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Annual report of the Special Representative of the Secretary-General on Violence against Children

Summary

This second annual report of the Special Representative of the Secretary-General on Violence against Children is submitted to the General Assembly in accordance with its resolution 65/197. It is guided by the report of the independent expert for the United Nations study on violence against children (A/61/299) and builds upon the vision and the priority areas identified by the Special Representative in her initial report (A/65/292).

The present report complements the annual report of the Special Representative to the Human Rights Council (A/HRC/16/54) and reviews key developments and initiatives promoted to advance progress in the follow-up to the study at the global, regional and national levels, institutionalize regional governance structures and strengthen strategic alliances to speed up global progress towards a world free from violence.

To further accelerate progress, the report identifies areas to which the Special Representative will devote special attention in the forthcoming period: (a) promoting the universal ratification of the Optional Protocols to the Convention on the Rights of the Child; (b) further consolidating regional governance structures on violence against children; (c) continuing the series of expert consultations on violence-related topics; and (d) conducting a global survey to assess progress and inform further action in the area of preventing and responding to violence.

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I. Mandate and strategic priorities

1. The Special Representative of the Secretary-General on Violence against Children[1] acts as a high-profile, global independent advocate of the prevention and elimination of all forms of violence against children. Her mandate is guided by the report of the independent expert for the United Nations study on violence against children and its strategic recommendations (A/61/299) and promotes the protection of children from violence as a human rights imperative. The Convention on the Rights of the Child and the Optional Protocols thereto, together with other international human rights instruments, provide a firm normative foundation for preventing and responding to violence. For this reason, the Special Representative promotes the universal ratification and effective implementation of core human rights treaties.

2. The Special Representative acts as a bridge-builder and a catalyst of action in all regions and across sectors and settings in which violence against children may occur. She cooperates with a wide range of strategic partners within and beyond the United Nations system, and mobilizes action and political support to maintain momentum around this agenda, to generate renewed concern about the harmful effects of violence on children, to promote behavioural and social change, and to achieve steady progress along the way.

3. The Special Representative makes use of mutually supportive strategies, including promoting advocacy of the protection of children from violence; contributing to strategic meetings at the international, regional and national levels to accelerate progress in this field, to identify good practices and to promote the exchange of experiences across regions, sectors and settings; organizing field missions; and developing thematic studies and reports.

4. As detailed in previous reports to the General Assembly and the Human Rights Council,[2] the Special Representative places a priority focus on:

(a) Promoting a strategic agenda, building upon the recommendations of the United Nations study on violence against children (see section II below);

(b) Strengthening key partnerships in order to achieve and sustain progress in the follow-up to the study (see section III below);

(c) Ensuring firm support for her mandate, including sound funding, to promote progress in the prevention of violence and in the protection of children from all its forms (see section IV below).

5. The overall thrust of the Special Representative's mandate is to accelerate progress in the implementation of the recommendations contained in the study. In view of their particular urgency, three of those recommendations included time-bound targets. These are also the areas to which the Special Representative devotes priority attention, namely:

(a) The development in each State of a national comprehensive strategy for preventing and responding to all forms of violence;

[1] The Special Representative assumed her position on 1 September 2009. A fuller explanation of her appointment and mandate can be found in A/HRC/13/46.

[2] A/HRC/16/54 and A/65/262, respectively.

(b) The introduction of an explicit legal ban on all forms of violence against children, in all settings;

(c) The consolidation of a national system for data collection, analysis and dissemination, and a research agenda on violence against children.

6. Promising national progress has been achieved in these areas. The Special Representative has pursued these priority objectives through a process of regional engagement with intergovernmental organizations and political groupings, the convening of expert consultations on strategic dimensions of the agenda aimed at combating violence against children, and the development of thematic reports in support of advocacy, policy and legal reform,[3] as well as through 37 country missions in all regions.

II. Consolidating progress on the strategic agenda for the implementation of the United Nations study

7. During the first year of the Special Representative's mandate, in order to consolidate change in the aforementioned priority areas, particular attention was given to the revitalization of networks involved in the development of the study, the promotion of new alliances and further consolidation of strategic partnerships and, in particular, the institutionalization of regional governance structures related to violence against children. Those efforts have been critical in promoting the mainstreaming of the issue of the freedom of children from violence into the policy agenda at the international, regional and national levels.

8. The second year of the mandate was a key period in which to rally firm support for efforts to address persisting challenges and to accelerate global progress towards a world free from violence. In support of that process, the Special Representative organized, with key partners, three expert consultations on critical areas of concern, namely, child-sensitive mechanisms for addressing incidents of violence, law reform to ensure the protection of children, and strategies for preventing and addressing violence in schools. The main conclusions and recommendations resulting from those meetings are presented below.

9. The Special Representative is also preparing the publication of thematic reports and advocacy tools on these subjects, to assist governments and other stakeholders in ensuring the protection of children from violence. Materials will be developed especially for children, including on child-sensitive mechanisms for responding to incidents of violence.

10. As part of her advocacy and communication strategy, the Special Representative established a website (http://srsg.violenceagainstchildren.org) to disseminate information about significant developments related to the protection of children from violence. The website is also a platform for networking among key partners and includes social media tools and a Children's Corner with child-friendly materials.

[3] See the joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative on Violence against Children on child-sensitive counselling, reporting and complaint mechanisms, submitted to the Human Rights Council (A/HRC/16/56); two other joint reports, on law reform and violence in schools, are forthcoming.

11. In 2011, the Special Representative has, within the overall framework of her priority agenda, placed a special emphasis on:

(a) Moving towards the universal ratification of the Optional Protocols to the Convention, in particular to ensure the protection of children from sale, prostitution and pornography;

(b) Consolidating the legal protection of children from all forms of violence;

(c) Promoting the establishment of safe and child-sensitive counselling, reporting and complaint mechanisms to address incidents of violence against children, including children with disabilities;

(d) Widening awareness and advocacy in order to prevent and address violence against children in education, as well as in justice-related institutions;

(e) Conducting a global survey to assess progress in the prevention and elimination of all forms of violence against children.

A. Moving towards the universal ratification of the Optional Protocols to the Convention on the Rights of the Child

12. The global campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child, launched in 2010 by the Secretary-General, provides a critical agenda for consolidating the institutional partnership with strategic allies within the United Nations system, including the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography. The campaign has also become a crucial reference for collaboration with the International Labour Organization (ILO) and the United Nations Office on Drugs and Crime (UNODC).

13. In the light of her mandate, the Special Representative on Violence against Children places a special focus on achieving global adherence to the protocol on the sale of children, child prostitution and child pornography. She pursues that agenda through global advocacy, regional engagement and field missions.

14. During the first year of the campaign, significant progress was made. The goal of universal ratification was incorporated into the United Nations policy agenda, including the United Nations Global Plan of Action to Combat Trafficking in Persons[4] and the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, adopted on 11 May 2011 at the Hague Global Child Labour Conference (see section III below). Commitment to the ratification and implementation of the Protocol was also expressed by regional organizations and political groupings, including the Organization of Islamic Cooperation, the League of Arab States, the Common Market of the South (MERCOSUR), the South Asia Initiative to End Violence against Children and States from the Asia-Pacific region. The Council of Europe launched a wide-scale information campaign about sexual

[4] Adopted by the General Assembly in its resolution 64/293; see in particular paragraph 4 of the Global Plan of Action.

violence against children, of which the ratification of the Protocol is a core component.

15. Since the launching of the campaign, eight States have ratified the Protocol: Djibouti, Guinea-Bissau, Guyana, Malta, Mauritius, Nigeria, Pakistan and Saudi Arabia. The Central African Republic has signed the instrument.

16. In May 2011, in order to accelerate progress, the Special Representative, in collaboration with strategic partners, hosted a treaty event in New York on the occasion of the first anniversary of the launching of the campaign, and supported a regional event in Addis Ababa hosted by the African Union with the Economic Commission for Africa, UNICEF and OHCHR. At these and other high-level meetings, the campaign received strong support from Governments, United Nations agencies, parliamentarians, children's advocates, faith-based organizations and civil society organizations.

17. At least 18 States have made formal commitments to the ratification of the Protocol, including within the framework of the universal periodic review of the Human Rights Council and before the Committee on the Rights of the Child or human rights mandate-holders. Of those that are not yet parties, 40 per cent have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and 90 per cent have ratified ILO Convention No. 182, on the Worst Forms of Child Labour; these address similar areas of concern.

B. Consolidating the legal protection of children from all forms of violence

18. The adoption of legislation to prohibit all forms of violence against children, in all settings, together with an appropriate legal framework for preventing and responding to violence, was a critical recommendation of the study and constitutes a priority of the Special Representative's mandate. To advance progress in this crucial area, the Special Representative organized, together with OHCHR, the Inter-Parliamentary Union and the international non-governmental organization Advisory Council for the follow-up to the study on violence against children, an expert consultation on law reform held in Geneva in July 2011. The main findings of the consultation are presented below.

19. As highlighted in previous reports, law reform on violence against children is an area that is gaining momentum. When the study was finalized, 16 countries had legislation prohibiting violence in all settings. To date, 29 have introduced such a comprehensive legal ban, in some cases incorporating it into their Constitutions. In some countries, courts have also been instrumental in guaranteeing the right of the child to respect for his or her physical integrity and to freedom from violence, including within the family. Across regions, there are significant initiatives under way to achieve the full legal prohibition of violence against children, and many countries have adopted legislation on specific forms of such violence, including sexual abuse and exploitation, trafficking and harmful traditional practices.

20. Over the past two years, regional organizations and political groupings have also embraced this goal as a priority, including the Organization of Islamic

Cooperation, the League of Arab States, the South Asia Initiative to End Violence against Children, MERCOSUR and the Council of Europe. In addition, the African Committee of Experts on the Rights and Welfare of the Child, the Committee on the Rights of the Child and the Inter-American Commission on Human Rights have been active supporters.

21. In spite of these important developments, vigorous efforts are still needed. First, efforts to introduce an explicit legal ban on all forms of violence against children need to be scaled up: globally, fewer than 5 per cent of children benefit from legal protection from all forms of violence in all settings.

22. Second, in countries where legislation has been enacted, further measures are required to narrow the gap between law and practice. The concluding observations of the Committee on the Rights of the Child on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography indicate that, in more than half of the countries reviewed, the legislation on child prostitution needs to be amended, including to ensure the protection of boys. The concluding observations on the implementation of the Convention indicate that, in at least one third of countries, legislative provisions on other forms of sexual violence are inadequate, as they fail to criminalize rape or to provide an adequate definition of sexual abuse. Similarly, research conducted by the Child Rights Information Network indicates that in at least 40 countries, children are at risk of being sentenced to violent forms of punishment, including whipping, flogging, caning or amputation, and that in a number of countries the law still allows children to be sentenced to death.

23. In short, although steps have been taken in many countries to prohibit violence against children in some forms and contexts, only a few have introduced comprehensive bans. Moreover, law enforcement has remained weak, with limited dissemination and understanding of the changes introduced. Efforts to monitor the impact of legal reform, to address emerging concerns and to ensure well-coordinated and well-resourced services and programmes to support victims in their healing and long-term reintegration have been scarce.

24. The Geneva expert consultation on law reform provided a strategic platform for the review of initiatives and positive experiences in various countries of the world, the acknowledgement of progress, and reflection on critical factors facilitating or compromising the legal protection of children from violence in the five settings identified in the study. The meeting also included the identification of opportunities to accelerate progress and promote technical advice in this critical area.

25. The meeting resulted in important conclusions and recommendations to ensure the freedom of children from violence in various forms and settings, including sexual abuse and exploitation, trafficking, harmful traditional practices, juvenile justice, labour-related violence and violence within the home. These will be addressed in greater detail in the thematic report to be issued by the Special Representative on this topic in the coming months.

26. In anticipation of that report, the following four overarching conclusions deserve special attention in view of their crucial value for shaping legislative initiatives on violence against children.

27. First, law reform on violence against children is an essential component of a robust national child protection system. For that reason, it needs to be supported by well-coordinated and well-resourced services and institutions, and pursued through a holistic approach. This involves addressing the root causes of violence; prohibiting and deterring incidents of violence; safeguarding the rights of all children, including those at greater risk; providing redress and reintegration; and fighting impunity. The establishment by law of accessible, child-sensitive and safe counselling, reporting and complaint mechanisms to address incidents of violence is a crucial dimension of this process.

28. Second, law reform is an ongoing process and cannot be reduced to isolated or fragmented actions. It requires consistent efforts to ensure harmonization with international standards and implement political commitments undertaken in this area; to fill gaps in implementation; and to address emerging concerns, such as those arising from the use of new technologies. Where deeply rooted social conventions condone the use of violence as a child-rearing practice or a necessary form of discipline, it is critical to promote a sustained process of advocacy, education, law enactment and enforcement, and evaluation.

29. Third, legislation to protect children from violence is by nature complex and wide-ranging. It requires a comprehensive and explicit legal ban to convey an unequivocal message that children's right to freedom from violence must be safeguarded everywhere and at all times. Through constitutional reform or the introduction of new provisions in family and criminal codes and in child protection and domestic violence legislation, this process is gaining ground in an increasing number of States.

30. Legal prohibition must also be supported by detailed provisions in specific pieces of legislation, both to address distinct forms of violence, such as sexual abuse and exploitation, trafficking or harmful traditional practices, and to tackle violence in specific settings, including schools, care and justice institutions and the home. It is critical that enabling laws and regulations be developed in relevant legal fields to give full meaning to the prohibition and deter incidents of violence, to protect the children concerned, to ensure appropriate support for the process of enforcement and to fight impunity.

31. These two approaches, comprehensive and specific, are therefore needed and are indeed mutually supportive.

32. Fourth, law reform initiatives have been particularly successful when promoted through an inclusive and participatory process, with the involvement of key stakeholders including governmental departments, parliamentarians, independent national institutions for children's rights and key actors in civil society, including professional groups, local authorities and religious leaders, as well as young people themselves.

33. Moreover, law enforcement has been more effective when such initiatives have been supported with social mobilization initiatives and awareness-raising campaigns (both for the public in general and for children and their families in particular) and supported by the development of ethical standards, capacity-building activities and concrete guidance for professionals and institutions working for and with children. For this reason, law reform initiatives should include a clear plan of

implementation, with an estimation of costs and an anticipated allocation of resources to meet them.

C. Promoting the establishment of child-sensitive counselling, reporting and complaint mechanisms to address incidents of violence against children, and ensuring their availability, accessibility and use by children with disabilities

34. At the request of the Human Rights Council, the Special Representative joined the Special Rapporteur on the sale of children, child prostitution and child pornography in the preparation of a report on effective and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence, including sexual violence (A/HRC/16/56). The Council has urged States to ensure that such mechanisms are confidential, age-appropriate, gender-sensitive, disability-sensitive, safe, well publicized and accessible to all children. A similar recommendation was made in the United Nations study on violence against children.

35. Counselling, complaint and reporting mechanisms constitute critical remedies to address breaches of children's rights, including violence. Their development is anchored in international human rights standards, and, in view of their urgency, the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro in 2008, called for their establishment in all countries by 2013.

36. Based on the findings of an expert consultation convened in 2010 with OHCHR, and on research conducted by and information received from national Governments and other stakeholders, the joint report provides an overview of existing counselling, complaint and reporting mechanisms. It acknowledges efforts made in many countries by Governments, national human rights institutions, civil society and community-based organizations to promote counselling and to facilitate complaints and reporting of incidents of violence, including sexual abuse and exploitation. But it also recognizes that those initiatives remain piecemeal and are often inadequate to address children's specific concerns. As a result, they are insufficient to ensure the protection of children from violence and are often not seen as core components of a robust child protection system.

37. More often than not, children cannot easily gain access to counselling, reporting and complaint mechanisms and lack trust in such services, fearing that they will be disregarded rather than believed, judged rather than listened to. Children fear that they will be subjected to public exposure, stigmatization, harassment and reprisals if they report incidents of violence. Often, children are unaware of available mechanisms and have no information about how to obtain advice and assistance.

38. In the case of sexual exploitation and abuse, which are often committed by people whom children know and trust within institutions, in schools and in the home, parents feel tempted to conceal such incidents in order to protect their children and safeguard the image and unity of the family. Professionals may lack the training necessary to identify early signals and address incidents of violence in an ethical and gender- and child-sensitive manner, and may have no guidance as to whether and how they are expected to report such cases or how to refer them. When

they are addressed, incidents of violence continue to be considered separately, by different professionals, and through the lens of disconnected disciplines, creating the risk of revictimization.

39. Children with special vulnerabilities have particular difficulties in gaining access to counselling, reporting and complaint mechanisms. In the light of the thematic debate in the General Assembly on the rights of children with disabilities, the Special Representative takes this opportunity to highlight the special challenges faced by these children.

40. The lives of children with disabilities are fraught with stigma, discrimination, cultural prejudices, misperceptions and invisibility. Their capacity and their positive potential are often ignored. Their existence is often marked by neglect, violence, injury and exploitation. In spite of the limited amount of data and research in this area, available studies reveal an alarming level of risk for violence against children with disabilities, ranging from high vulnerability to physical and emotional violence when they are young to greater risks of sexual violence as they reach puberty.

41. Disability is still perceived largely as a curse, a source of shame for the family and a misfortune for the community. At times, it is believed to be the result of witchcraft or possession by evil spirits; the child's liberation is thought to be achieved through starvation, exposure to extreme heat or cold or to fire, or severe beatings.

42. When used as beggars, children with disabilities are subject to violence to keep them on the streets, and often suffer physical abuse to attract attention and encourage charity. In schools that are often of low quality, they endure beatings, bullying, neglect and abuse by their peers and by ill-prepared teachers who fail to understand and attend to their special needs. For children placed in institutions with ill-trained, ill-paid and often frustrated staff, in an environment of stigmatizing attitudes in the community, there are increased risks of physical violence and of verbal and emotional abuse.

43. For the families of children with disabilities, heavy demands and high stress, lack of support and services, and a deep sense of isolation aggravate the risk of violence within the household. Some families respond with neglect rather than with active violence. Others shield the child from contact with the outside world, including to protect him or her from abuse and stigmatization, sometimes in appalling conditions (such as windowless rooms or hot courtyards). Still others arrange for a "mercy killing" to put an end to the child's perceived suffering, at times as a result of pressure from or upon the advice of other family members or influential actors in the community.

44. Children with disabilities are less able than other children to escape the threat of violence or to report the abuses that they have endured. These difficulties become insurmountable when their only point of reference is the abuser, be it a family member, a neighbour or a professional worker on whom they depend. They may be unwilling to complain, fearing that if they do so they will lose the support of caregivers and the attention and affection of those on whom they have come to rely. Access to counselling, reporting and complaint services may be physically difficult to gain.

45. Moreover, incidents reported by children with disabilities are largely dismissed; there is a prevailing perception that such children are easily confused and are unable to provide convincing and accurate testimony.

46. In many cases, the justice system is not child-friendly or disability-sensitive; the challenges faced by a blind child in identifying a sexual offender amply illustrate this. However, in many countries additional barriers persist, including where the legal system fails to recognize the testimony of children with disabilities in court and prevents them from testifying under oath or signing legal documents. Under such circumstances, the conspiracy of silence becomes insurmountable.

47. In the light of these concerns, the report to the Human Rights Council presents a set of guiding principles based on human rights standards, as well as practical recommendations to accelerate progress in making safe, child-sensitive and effective mechanisms available to all children. These mechanisms need to be established by law and to have well-defined mandates, guided by the best interests of the child and informed by children's experiences and perspectives. They need to be well publicized and made accessible to all children, without discrimination of any kind, and must guarantee children's safety, ensure confidentiality and allow for prompt and speedy response and follow-up.

48. These critical requirements are essential in helping children to feel empowered, supported and reassured that they will be listened to in an ethical and safe manner, and that their testimony will not be disclosed or misused or place them at further risk.

D. Preventing and addressing violence against children in schools

49. In many countries, initiatives to prevent and address violence against children in schools are building momentum. Some key developments of this significant process of change include campaigns aimed at ensuring learning without fear and at addressing specific forms of violence, including bullying, cyberbullying and gender-based violence. School audits and participatory debates inform the promotion of ethical standards and encourage child-sensitive counselling, reporting, mediation and victim assistance. Data and research address root causes of violence and support children at risk. Law reform initiatives seek to prohibit all forms of violence in education.

50. Education has a unique potential to create a positive environment in which attitudes condoning violence can be changed and non-violent behaviour can be learned. Schools are well placed to break patterns of violence and to provide skills that enable people to communicate, negotiate and support peaceful solutions to conflicts. This is possible at all stages of life, especially early childhood, when initiatives can decisively improve the development of talents and abilities, reduce marginalization and associated risks of violence, and promote access to school and educational achievement. An environment free of violence in all its forms is also instrumental to promoting the achievement of the Millennium Development Goals, in particular to ensure universal primary education for all and to eliminate gender disparities in education.

51. Unfortunately, this unique potential is in marked contrast to the daily reality of millions of children. Within and around educational settings, both girls and boys

continue to be exposed to violence, including verbal abuse, intimidation, physical aggression and, in some cases, sexual abuse. At times they are also victims of gang violence and assault.

52. Violence has a negative and often long-term impact on child victims. Beyond those directly affected, however, it creates fear and insecurity among students, hampering their learning opportunities and well-being. This in turn gives rise to anxiety and concerns in the family, sometimes fuelling pressure to keep children, particularly girls, out of school or to encourage school abandonment as a means of avoiding further violence.

53. Recognizing the crucial importance of education in safeguarding children's rights and of violence-free schools as catalysts for non-violence in the communities that they serve, the Special Representative, in cooperation with the Government of Norway and the Council of Europe, organized an expert consultation on tackling violence in schools. The meeting was held in Oslo in June 2011, and brought together policymakers, education and children's-rights experts, civil society organizations and academics from various regions of the world, as well as United Nations agencies.

54. The consultation was guided by international and regional human rights standards and the recommendations of the United Nations study on violence against children. The study highlights the fact that the most effective approaches to countering violence in schools are tailored to the specific circumstances of each school. These approaches also have key elements in common, as "they are based on the recognition that all children have equal rights to education in settings that are free of violence, and that one of the functions of education is to produce adults imbued with the non-violent values and practises".[5]

55. The Oslo consultation recognized the importance of preventing and responding to violence in schools through a multidimensional strategy. In particular, it recommended that the following five priority dimensions be taken into account:

(a) Promoting holistic, participatory and child-centred strategies;

(b) Partnering with children;

(c) Supporting teachers and staff with the necessary skills and resources;

(d) Consolidating data and research in this field;

(e) Ensuring the legal protection of children.

1. Promoting holistic, participatory and child-centred strategies

56. Schools are an inherent part of the communities in which they are located; violence in the school mirrors social attitudes condoning violence and also reflects the environment surrounding the school, including social unrest, the availability of weapons and criminal gang activities. For this reason, efforts to bring an end to violence in school must not only invest in ensuring a safe and child-friendly environment in educational settings, but also seek to address the cultural acceptance of violence against children, and invest in violence prevention and positive discipline initiatives for families and the community at large.

[5] *World Report on Violence against Children*, 2006, p. 138.

57. Schools succeed in their efforts to curb violence in particular when they break away from a strictly sectoral approach in favour of holistic, participatory and child-centred strategies. Such strategies help to involve families in school life and envisage children as crucial actors and agents of change, shaping decisions with their perspectives and experiences. Furthermore, they help to overcome bureaucratic and administrative divisions and operate in a multifaceted way, through investments in teacher and school staff training, curriculum development, school administration, policy development, budgetary allocations and strong legislation to guarantee the protection of children from violence.

58. This whole-school ethos informed the significant experiences shared at the Oslo meeting, including experiences with initiatives designed to prevent bullying in schools. The success of such initiatives has been closely associated with the engagement of teachers, staff and students, as well as parents and other members of the community. Reductions in the number of incidents of bullying have also been achieved as a result of a strong commitment, a clear plan and a strategic combination of efforts, namely:

(a) A sincere and widely shared commitment to address this phenomenon, with the formal adoption and wide dissemination of anti-bullying rules, and their launching at an official school event;

(b) The establishment of a governance system in which all stakeholders participate;

(c) The development of a monitoring system, with the periodic review of incidents and issues of concern;

(d) The dissemination of anti-bullying messages in the community at large.

59. These important lessons learned from anti-bullying programmes provide a crucial reference for the prevention and elimination of other forms of violence against children in schools.

2. Partnering with children

60. School- and system-wide interventions deepen understanding and encourage change in attitudes and social norms that condone violence, including its use as a form of discipline. They also help to promote a culture of tolerance, respect and non-violence and, as a result, prevent violence, contribute to reductions in school absenteeism and abandonment, improve academic achievement and enhance children's social skills and well-being.

61. In order to consolidate this process, it is critical to partner with children. Joining hands with young people helps to counter the invisibility of violence, increase understanding of children's perceptions of this phenomenon, and enhance the overall effectiveness of efforts to prevent and eliminate violence in its various forms.

62. Children recognize the importance of clear and unambiguous rules based on the protection of their rights. In spite of the high levels of violence that many of them endure, they remain committed to promoting an inclusive and violence-free school environment. Across regions, they are becoming involved in school clubs, peer education and peer counselling programmes and mediation and conflict-solving

efforts, and are participating in school councils and disciplinary proceedings in which incidents of violence are addressed.

63. In order to support children in this process, it is critical to promote a child-friendly school environment and relevant curricula focusing on life skills and human rights education, and to nurture the values of social equality, tolerance towards diversity and non-violent means of resolving conflict. All these elements can provide children with alternative ways of understanding the world, even in situations where violence outside the school affects their communities and their lives.

64. For vulnerable groups of children, including girls, children with disabilities, children belonging to minority or indigenous groups, and children affected by HIV and AIDS, these efforts must be redoubled. Such children face particular challenges in gaining access to schooling and in remaining in school. They are more likely to be subjected to violence or to be disregarded when they seek advice about or report incidents of violence. As a result, they may end up choosing not to report violence for fear of drawing attention to themselves.

3. Supporting teachers and other school staff with necessary skills and resources

65. Teachers and other school staff are decisive actors in preventing and responding to violence. It is therefore essential to provide them with the necessary skills, support and resources. Raising awareness and providing information about violence against children is indispensable in this process. It helps to equip staff to use constructive-discipline techniques and methods in school, to partner with students in violence prevention, to serve as positive role models, to learn about peaceful conflict mediation and resolution, and to promote school-safety mechanisms such as codes of conduct and student-friendly reporting mechanisms. Equally important is the provision of clear guidance on addressing incidents of violence, mandatory reporting and providing assistance to child victims.

66. Dimensions such as these are vital to enable schools to identify early warning signs of violence, to support children at special risk and to provide timely and effective support in an ethical and child-sensitive manner.

67. In the absence of training in child-friendly pedagogy, and without awareness, information or guidance regarding violence against children, teachers and other school staff may believe that resorting to violent methods to maintain academic standards or impose discipline is a natural or needed response. Children in turn may internalize such values and regard violence as a valid strategy for resolving disputes and imposing their views on their peers. When violence prevention skills and training have been provided, however, there is greater openness to resorting to alternative, positive forms of discipline and advocating the abandonment of violence in school.

4. Consolidating data and research on violence in schools

68. Although statistical information on violence in schools is scarce and fragmented, available data confirm the serious magnitude of this phenomenon and its long-lasting consequences, both for children and their families and for the education system as a whole. Surveys conducted in a number of countries have confirmed this pattern and, in some cases, have assisted in the reporting of emerging

forms of violence, including a new form of sexual abuse in schools, referred to as "sex for grades".

69. Sound data and research are urgently needed in this field. Without reliable data, national planning is undermined, effective policymaking and resource mobilization are hampered, and targeted interventions are limited in their ability to address and prevent violence in schools.

70. Data and research are indispensable if we are to expose the hidden face of violence and address its root causes; understand perceptions and attitudes regarding this phenomenon, including among girls and boys of various ages and social backgrounds; identify children at greater risk and effectively support them; and assess the economic costs of violence and the social gains that can be achieved through steady investment in prevention. These are areas where consolidated partnerships and the acceleration of efforts will remain of the essence.

5. Ensuring the legal protection of children from violence in schools

71. The effectiveness of measures to deter and eliminate violence in schools is significantly curtailed without a supportive legal framework. As indicated above, clear, unambiguous legislation that prohibits all forms of violence and protects children from them, including within the school, is a key component of any comprehensive strategy on violence against children.

72. In addition to the 29 countries that have introduced an explicit legal ban on all forms of violence against children in all contexts, several have adopted specific legislation to counter violence in schools. In the majority of countries, violence in schools, including the ill treatment and beating of children, is considered impermissible and is punished with disciplinary measures. When certain more serious forms of violence occur, such as sexual harassment or abuse, the outcome may be the dismissal and prosecution of those found responsible.

73. In the recent past, there have been significant legislative developments in this area. In some countries, new laws have been enacted to prevent bullying, as was the case in 2011 in Peru. In others, legislation has been adopted that addresses incidents of violence more broadly. For example, in India the Right of Children to Free and Compulsory Education Act 2009 bans the physical punishment and mental harassment of children. The Act provides for disciplinary measures in the event of the violation of this ban and recognizes the responsibility of the National Commission for Protection of Child Rights in monitoring its implementation and safeguarding the rights of the children concerned.

74. In spite of these important developments, the legal prohibition of violence against children in schools is not yet a reality in 80 countries around the world. Moreover, the overall gap between legislation and prevailing practice remains wide and challenging. For this reason, efforts to accelerate progress in this area will continue.

E. Conducting a global survey to assess progress in the prevention and elimination of all forms of violence against children

75. The year 2011 marks the midpoint of the Special Representative's mandate and five years since the review by the General Assembly of the United Nations study on

violence against children. Thus, it is a strategic opportunity to gain a perspective on the progress achieved, to reflect on good practices and success factors, and to boost efforts to overcome persistent challenges in and generate renewed momentum towards the protection of children from violence.

76. With this in mind, the Special Representative is conducting a global survey to map and assess progress in the implementation of the study's recommendations. The survey will be developed in close collaboration with partners, including Governments, United Nations agencies, regional organizations and institutions, and civil society and children's organizations. The significant analytical reviews conducted in a number of regions, including by the League of Arab States, the South Asia Initiative to End Violence against Children and MERCOSUR, will be an essential component of this process.

77. The survey will also build upon relevant initiatives and processes, including the universal periodic review process in the Human Rights Council, the process of reporting to the Committee on the Rights of the Child and other treaty bodies, and the follow-up to the World Congresses against Sexual Exploitation of Children and Adolescents and to the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, adopted at the Hague Global Child Labour Conference in 2010.

78. In cooperation with civil society partners, a special effort will be made to take into account the views of children and young people. The participation and expertise of children were critical in the development of the study and have remained indispensable in its follow-up, including through regional youth forums and the formal representation of children in regional governance structures.

79. The survey is intended to assess progress achieved in the implementation of the recommendations of the study and to help shape a forward-looking agenda. In this connection, an analytical report detailing the outcomes of the survey will be submitted to the General Assembly in 2012, at which time the Assembly will review the three-year mandate and consider further follow-up to the study.

III. Strategic partnerships and the institutionalization of regional governance structures to accelerate progress[6]

80. The Special Representative remains firmly committed to further strengthening strategic alliances for the protection of children from all forms of violence, within and beyond the United Nations system. Important institutional collaboration mechanisms have been established in support of her mandate, including the Inter-Agency Working Group on Violence against Children, the non-governmental organization Advisory Council for the follow-up to the study on violence against children, and regional high-level governance structures established for the follow-up to the study.

[6] This section complements the information provided in A/HRC/16/54.

A. Cooperation with the United Nations system, including human rights treaty bodies and mechanisms

81. Collaboration with United Nations partners has been crucial in raising awareness of and broadening global support for the protection of children from violence, promoting the mainstreaming of this topic into United Nations activities, and generating policy debate through the holding of strategic panel discussions with key partners on areas of critical concern.

82. The periodic meetings of the Inter-Agency Working Group are an important forum for consultation, policy formulation and mainstreaming within the United Nations agenda on violence against children. This strategic cooperation has led to significant initiatives, including the advancement of the campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child and the promotion of better data and research in order to put an end to the invisibility and social acceptance of violence and to support strategic advocacy, policy development and resource mobilization.

83. In 2011, in order to further mainstream into the United Nations agenda the protection of children from violence, the Special Representative has promoted a number of high-level policy discussions. These have taken place in such forums as the Human Rights Council, in discussions on the rights of street children and on child-sensitive mechanisms for addressing incidents of violence; the Commission for Social Development, in discussions on extreme poverty and violence against children; the Commission on the Status of Women, in discussions on tackling violence, including sexual violence, against girls and on quality education and gender discrimination; and in the lead-up to the General Assembly, in discussions on the rights of children with disabilities. In addition, strategic cooperation has been promoted with United Nations partners to curb violence in communities and minimize the impacts of situations of armed and gang violence on children, including through policies that help to reduce the availability of and access to small arms.

84. Furthermore, the Special Representative has pursued close collaboration with human rights treaty bodies and mechanisms in order to capitalize on synergies across mandates and to promote a mutually supportive agenda. The joint report with the Special Rapporteur on the sale of children, child prostitution and child pornography shows the potential of such strategic cooperation. Similarly, concerted efforts have been deployed in support of the new optional protocol to the Convention on the Rights of the Child, providing for a communication procedure.

85. The partnership with the Committee on the Rights of the Child has been particularly strategic, including in encouraging the universal ratification and effective implementation of international children's rights treaties, promoting advocacy and law reform on violence prevention and elimination, and establishing safe and child-sensitive counselling, reporting and complaint mechanisms to address incidents of violence. The Committee's adoption of a general comment on the right of the child to freedom from violence[7] opens new avenues for strategic cooperation.

[7] CRC/C/GC/13.

B. Cooperation with intergovernmental and regional organizations and institutions

86. Collaboration with regional partners is a cornerstone of the Special Representative's strategy for consolidating the implementation of the study's recommendations within and across countries. In order to advance that process and institutionalize key alliances, the Special Representative participated in strategic, high-level regional meetings. She supported significant advocacy and policy initiatives and strengthened partnerships with regional institutions and organizations and with regional mechanisms established to support the follow-up to the study. This is an area where significant progress has been achieved.[8]

87. First, important regional political commitments on violence against children have been undertaken, including in the context of the 2009 Cairo Declaration adopted by the Organization of Islamic Cooperation; the South Asia Initiative to End Violence against Children; the Beijing Declaration on South-South Cooperation for Child Rights in the Asia-Pacific Region; the Marrakesh Declaration adopted at the Fourth High-level Arab Conference on the Rights of the Child; the road map on violence against children adopted by South American countries; the Council of Europe Strategy for 2009-2011, "Building a Europe for and with Children"; and the European Union Guidelines for the Promotion and Protection of the Rights of the Child, including the strategy on violence against children and the recently adopted Agenda for the Rights of the Child.

88. Second, there has been a growing institutionalization of regional governance structures and regional initiatives in support of the follow-up to the study's recommendations. Leading regional institutions are playing a pivotal role in moving this agenda forward. These include the Subcommittee on Violence against Children of the League of Arab States, the Governing Board of the South Asia Initiative to End Violence against Children, the Platform on Children's Rights of the Council of Europe, the Permanent Commission of the Niñ@Sur Initiative of MERCOSUR, the Latin American and Caribbean chapter of the Global Movement for Children, the African Union Department of Social Affairs and the African Committee of Experts on the Rights and Welfare of the Child.

South Asia Initiative to End Violence against Children

89. In South Asia, solid collaboration was established with the South Asia Initiative to End Violence against Children, created in 2010 to guide the process of the national implementation of the recommendations of the study. The Initiative's strategic plan for 2010-2015 includes time-bound targets to monitor the progress achieved and is reviewed annually by a governing body composed of representatives of South Asian Governments, civil society and children's organizations.

Asia-Pacific region

90. In the Asia-Pacific region, the Beijing Declaration adopted at the High-level Meeting on South-South Cooperation for Child Rights in the Asia-Pacific Region, held in November 2010, focused strongly on violence against children, calling for a systematic approach to child protection concerns, based on laws and policies

[8] See also A/65/262, sect. C, and A/HRC/16/54, paras. 41-57.

safeguarding children from potential harm and banning all forms of violence against children.

91. A significant platform for cooperation was also developed with the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN) and with the recently established ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, which has identified violence against children as a priority for its agenda.

League of Arab States

92. Firm commitments have been made by the League of Arab States, which carried out a comprehensive regional study to collect information about national developments towards the prevention and elimination of violence against children and identified areas for strengthening the process of follow-up to the recommendations of the study. The Marrakesh Declaration adopted at the Fourth High-level Arab Conference on the Rights of the Child, held in December 2010, called on member States to pursue further efforts in collaboration with the Special Representative, including with a view to the development of national strategies to combat violence against children; the establishment of national follow-up and reporting mechanisms; the enactment of legislation to protect children from violence, neglect, ill treatment and exploitation; and the provision of services to support victims, as well as to undertake measures to combat impunity.

African Union and the African Committee of Experts on the Rights and Welfare of the Child

93. The year 2011 has been marked by enhanced collaboration with the African Union Department of Social Affairs and the African Committee of Experts on the Rights and Welfare of the Child, building upon the framework of cooperation developed with those institutions. The Special Representative partnered with the African Union initiative to promote the universal ratification of the Optional Protocols to the Convention on the Rights of the Child and other child rights treaties. With the African Committee of Experts, important strides were made in strengthening the protection of children from violence, not least through the Burkina Faso technical consultation on legislative reform in Africa to prohibit violence against children, including corporal punishment.

94. The Special Representative also joined in the commemoration of the 2011 Day of the African Child, devoted to the theme "All together for urgent actions in favour of street children". The meeting held by the African Committee of Experts was an important follow-up to the 2011 thematic debate in the Human Rights Council on child rights and highlighted the significant challenges faced by children living and working in the streets in the African region. The meeting underlined the fact that street children are particularly vulnerable to extreme forms of violence. Their lives are fraught with stigma, fear and invisibility, and they are at high risk for harassment, ill treatment and abuse. For these children, the challenges of reporting incidents of violence are insurmountable.

95. The Day of the African Child was a strategic opportunity to join with the African Committee of Experts in calling for the establishment of widely publicized, accessible, safe and child-sensitive counselling, reporting and complaint mechanisms; national investment in well-resourced child protection systems,

including legislation banning all forms of violence against children; and the abolishment of status offences, including the decriminalization of survival behaviour such as begging, truancy and vagrancy. These solutions need to be promoted among street children themselves, with an understanding of their perspectives, thus investing in their genuine empowerment and enabling them to make informed choices in situations where the risk of violence may be effectively prevented.

Common Market of the South

96. In the Americas, follow-up to the United Nations study on violence against children has been carried out within the framework of the Twentieth Pan American Child Congress and the strong institutional cooperation developed with the Inter-American Children's Institute of the Organization of the American States, the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights, the Latin American and Caribbean chapter of the Global Movement for Children, and the Ibero-American Conference of Ministers Responsible for Children and Adolescents.

97. In April 2011, this process gained renewed political impetus through the holding of the first subregional high-level meeting to follow up on the study. The South American meeting was hosted by the Government of Paraguay, in the context of its chairmanship of MERCOSUR and of the Permanent Commission of the Niñ@Sur Initiative. The meeting was co-organized with the Special Representative and the Latin American and Caribbean chapter of the Global Movement for Children, and had the participation of MERCOSUR member and associated States, as well as representatives of civil society, including children's organizations, children's advocates and the media.

98. The discussions in Paraguay were informed by an analytical review of national measures adopted to advance the implementation of the study's recommendations. The review was based on national reports submitted on the development of a comprehensive strategy for preventing and addressing violence against children, the legal protection of children from violence, and the consolidation of data and research.

99. The meeting led to significant outcomes: (a) the adoption of a forward-looking road map to advance progress and address gaps and persisting challenges; (b) the development of national strategies on violence against children by individual countries aligned with the regional road map; and (c) within MERCOSUR, the incorporation of the regional road map into the agenda of the Permanent Commission of the Niñ@Sur Initiative, which will review its implementation on an annual basis in the light of national reports submitted by Governments.

100. Two other high-level meetings, in Central America and in the Caribbean, are expected to be held in the near future in support of the follow-up to the study in those subregions.

Council of Europe

101. The Special Representative pursued fruitful collaboration with the Council of Europe, with which she joined hands, together with UNICEF and the European Union, in the organization of the conference entitled "Combating violence against

children: from isolated actions to integrated strategies", held in Kiev during the Ukrainian chairmanship of the Council.

102. The conference addressed critical issues for the Central and Eastern European region, including strengthening violence prevention through the revision of national childcare standards and policies; providing family-friendly services to prevent violence and the separation of children from their families as a result of violent behaviour; promoting child-friendly counselling, reporting, complaint and referral systems and mechanisms within institutions hosting children; and developing comprehensive reintegration and rehabilitation programmes for child victims, witnesses and perpetrators of violence.

103. Participating countries reaffirmed their strong commitment to implementing the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from violence, including through national action plans, policies and programmes in line with international and regional children's-rights standards. Strong commitments were made to the legal protection of children and the prohibition of all forms of violence against them; the establishment of an influential and well-resourced coordinating body to articulate all relevant actions in this area; and the development of widely available and accessible counselling, reporting and complaint mechanisms to address incidents of violence. The Kiev agenda will be pursued to consolidate the follow-up to the recommendations of the study.

European Union

104. In 2007, with a view to advancing the implementation of the recommendations of the United Nations study on violence against children, the European Union adopted its Guidelines for the Promotion and Protection of the Rights of the Child, which include a strategy for combating violence against children. The Guidelines provide a strong basis for collaboration with the European Union and for the implementation of the study's recommendations.

105. In 2011, the European Union Agenda for the Rights of the Child reaffirmed the commitment to advancing the implementation of the Guidelines, stressing that "the well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children".[9] These key instruments provide a sound basis for consolidating support for the implementation of the study's recommendations in countries across regions.

C. Cooperation with civil society, including children and young people

106. Collaboration with civil society actors is critical for advancing the implementation of the recommendations of the study, through their association with regional processes, their involvement in expert discussions on critical dimensions of the agenda, and their support for the global universal ratification campaign, the scaling-up of legal reform, the participation of children and the prevention of violence in schools, institutions and the home. Collaboration has been greatly facilitated by the establishment of the non-governmental organization Advisory

[9] See European Commission document COM(2011) 60 of 15 February 2011, para. 2.2.

Council and its advocacy and social mobilization efforts with partners at the international, regional and national levels.[10]

107. Strategic collaboration was further strengthened with the NGO Group for the Convention on the Rights of the Child and its Working Group on Children and Violence, as well as with Child Helpline International and its network. Present in more than 120 countries, child helplines play an invaluable role in the protection of children from violence, which is the main reason why children around the world call helplines. Helplines constitute a crucial reference for the development of child-sensitive mechanisms and an indispensable source of information on violence-related issues.

108. Recent months have also seen strengthened collaboration with faith-based organizations. Religious leaders were important allies in the development of the study and have remained key partners in the process of follow-up, fostering dialogue, promoting change in practices that perpetuate violence against children, and encouraging the use of non-violent forms of discipline. In order to strengthen these efforts, a strategic partnership was developed with the World Day of Prayer and Action for Children, a global movement of religious leaders and communities of all faiths and secular organizations committed to the promotion of children's rights and well-being. The World Day is celebrated every year during the week of 20 November, the anniversary of the adoption of the Convention on the Rights of the Child. In collaboration with UNICEF, the World Conference of Religions for Peace, civil society organizations and the Office of the Special Representative, the World Day of Prayer and Action for Children launched an initiative to devote the next three years to the protection of children from violence. In support of this process, a panel discussion with key partners was held at the United Nations in New York in June 2011 under the auspices of the Permanent Mission of Chile to the United Nations.

Cooperation with young people

109. Child participation continues to be a core dimension of the Special Representative's mandate. Regular meetings have been held with children and young people, including within the framework of regional initiatives and field missions.

110. Violence is a key concern of children; in some regions, the phenomenon was identified as their most critical concern. Despite the fact that they are exposed to widespread violence, children show a remarkable resilience. Through school debates and community events, radio programmes and street theatre, cartoons, blogs and social media, they help to raise awareness among other children and their families about violence and its impact, create solidarity and support for child victims, and can instil the confidence to report incidents of violence and press for speedy and lasting solutions.

111. In order to maximize the involvement of children in discussions and action on violence, the Special Representative is engaging additional experts on child participation and will further develop the child-friendly space on her website.

[10] For further details, see A/HRC/16/54.

IV. Ensuring firm support

112. Ensuring sound support and predictable funding has been essential for promoting progress on this strategic agenda and for the effective and independent fulfilment of the Special Representative's mandate.

113. UNICEF provides administrative support for the mandate and has established a trust account in order to receive, hold, administer and disburse financial contributions provided to fund the operation of the Office of the Special Representative, including payment for personnel costs.

114. In accordance with General Assembly resolution 62/141, the mandate of the Special Representative is funded from voluntary contributions. In this connection, the Assembly called upon States and institutions concerned, United Nations agencies, regional and civil society organizations and the private sector to provide the necessary support, including financial contributions. The Assembly also anticipated the evaluation of the mandate three years after its establishment, in 2012, including with regard to its funding.

115. Contributions received by July 2011 have been crucial in relaunching and promoting the process of follow-up to the study, advocating and supporting developments for violence prevention and the protection of children from violence, and ensuring office support. However, additional funding remains essential if the Special Representative is to be able to effectively play her role as a global independent advocate. Firm support remains particularly important for the advancement of progress in the priority areas identified in her strategic agenda, the organization of thematic expert consultations, the development of advocacy materials and resources, and the continued consolidation of collaboration with regional governance structures to strengthen national follow-up to the study.

V. Looking ahead

116. The first two years of the mandate have seen significant developments. These include important legislative and policy measures undertaken by Governments to protect children from violence; strategic initiatives by United Nations agencies and mechanisms to mainstream the issue of violence against children into their agendas; and critical strides by regional organizations and groupings, as well as civil society actors, in institutionalizing the process of implementing the study's recommendations. Violence against children is giving rise to increasing concern and action, in many cases supported by wide social mobilization in which children themselves are playing a growing role.

117. At the same time, however, violence continues to compromise the rights of millions of children. Hidden and socially accepted, violence is met with passivity and indifference. Owing to weak reporting and to fragmented and short-term interventions, it is seldom high on the policy agenda or a priority topic of public debate. As a result, many children continue to live with trauma and in fear, self-blame, isolation and helplessness.

118. The urgency of ensuring children's freedom from violence has not diminished, and it is imperative that the current pace of progress be accelerated. With this aim, and within the overall framework of the priorities of her mandate, the Special

Representative will, in the forthcoming period, devote particular attention to the areas set out below.

A. Moving towards the universal ratification of the Optional Protocols to the Convention on the Rights of the Child

119. Encouraged by the wide expression of support for the global campaign for universal ratification, which is rooted in significant commitments undertaken by the international community, the Special Representative will continue to actively promote the achievement of this goal.

B. Consolidating the development of regional governance structures and the promotion of the cross-regional exchange of experiences to ensure the protection of children from violence

120. The Special Representative will continue her advocacy in support of the institutionalization of regional governance structures and initiatives to accelerate progress in the follow-up to the study's recommendations. In this regard, the Special Representative will, in the coming months, host a high-level meeting with representatives of these regional mechanisms to help strengthen synergies among them, to promote a cross-regional exchange of experiences and to consolidate children's freedom from violence.

C. Organizing expert consultations and developing thematic reports

121. The Special Representative will continue her fruitful series of expert consultations on selected violence-related priority areas. As noted above, one of these will be devoted to the consolidation of data and research on violence against children; a second will address violence and the administration of justice.

Better data and research on violence against children

122. Violence against children is seldom reported, and official statistics remain limited in their ability to capture the true scale and extent of this phenomenon. As a result, available information is scarce and reflects only the tip of the iceberg. This is an area where urgent action is required and one to which the Special Representative will continue to devote priority attention. With that in mind, in 2012 she will join the Government of Sweden in the organization of an expert consultation on this issue.

Violence and the administration of justice

123. The Special Representative places special emphasis on violence in justice-related settings, through advocacy, policy dialogue initiatives and field missions. A justice system based on respect for the rights of the child is critical for preventing and addressing incidents of violence against children, as well as safeguarding the rights of victims and witnesses.

124. This is an area where significant work is being done, as illustrated in the 2011 thematic report on juvenile justice and human rights in the Americas issued by the

Inter-American Commission on Human Rights, with the support of the Special Representative. The report identifies developments and good practices for the protection of children in the juvenile justice system and provides recommendations for the effective implementation of relevant international standards.

125. With a view to consolidating progress, the Special Representative will capitalize on significant experiences in various parts of the world, and will strengthen strategic partnerships with Member States, United Nations agencies, regional institutions, academia and civil society organizations. In this connection, she will join the United Nations Office on Drugs and Crime and other partners in the organization of an expert consultation early in 2012.

D. Conducting a global survey to assess progress in the prevention and elimination of all forms of violence against children

126. As indicated above, the Special Representative will conduct a global survey to map and assess progress in the implementation of the study's recommendations. The survey outcomes will be presented to the General Assembly in 2012 and are expected to inform the further acceleration of efforts in the implementation of the recommendations, and to sustain the momentum of work already under way.

127. Paragraphs 119 to 126 above highlight crucial areas of concern on which the Special Representative is committed to focusing. She looks forward to continuing to consolidate strong partnerships with Member States and all other relevant stakeholders to advance the effective implementation of the study's recommendations and to ensure the freedom of children from violence in all its forms.

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Promotion and protection of the rights of children

Building rights-based and comprehensive national child protection systems to prevent and combat the sale of children, child prostitution and child pornography

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with resolution 65/197, the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid.

* A/66/150.

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Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

Summary

The present report is being submitted pursuant to General Assembly resolution 65/197. It describes the activities undertaken by the Special Rapporteur on the sale of children, child prostitution and child pornography in the discharge of her mandate since her last report to the Assembly.

The report is intended to be used as a working tool for effectively implementing the recommendations formulated since the beginning of the mandate by providing the guiding principles and essential components of a comprehensive rights-based child protection systems aimed at preventing and combating the sale of children, child prostitution and child pornography.

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I. Working methods and activities

A. Working methods

1. In its resolution 65/197, the General Assembly requested the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to submit reports to the Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate. The present report contains information on the activities undertaken from July 2010 to July 2011 and aims to serve as a guiding tool for the effective implementation of the recommendations formulated since the beginning of the mandate.

B. Activities

1. Human Rights Council

2. The annual report of the Special Rapporteur submitted to the Human Rights Council at its sixteenth session (A/HRC/16/57 and Adds. 1-5 and Add.1/Corr.1) included the reports on her visits to the United Arab Emirates (12-18 October 2009), Senegal (21-30 October 2009), El Salvador (23-31 August 2010) and the United States of America (12-27 October 2010) and a summary of her communications to Governments and the replies she received between 16 June 2009 and 23 January 2011. As requested by the Council in its resolution 13/20, she also reported, jointly with the Special Representative of the Secretary-General on Violence against Children, to the Council at its sixteenth session on the subject of accessible and child-sensitive counselling, complaint and reporting mechanisms to address incidents of violence, including sexual violence and exploitation (A/HRC/16/56). The Special Rapporteur will submit her next annual report to the Human Rights Council at its nineteenth session, in March 2012.

2. Country visits

3. Since her last report to the Human Rights Council, the Special Rapporteur has visited Mauritius (1-11 May 2011). The Special Rapporteur's preliminary observations on that visit are contained in a press statement.[1] The Special Rapporteur will make an official visit to France in November 2011.

3. Conferences, seminars and engagement with civil society

4. The Special Rapporteur participated in numerous conferences and seminars during the period under review. In July 2010, she attended a regional conference in Dakar on children's mobility in West and Central Africa. In September 2010, she participated in a meeting on a draft directive of the European Parliament on combating the sexual abuse and sexual exploitation of children and child pornography. In September and October 2010, she organized consultations in the framework of preparations for the joint report on child-sensitive counselling and complaint and reporting mechanisms. In October 2010, she participated in a conference in Barcelona, Spain, on child mobility organized by the Global

[1] Available in French only from www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11007&LangID=F.

Movement for Children, the Generalitat de Catalunya (the autonomous regional government of Catalonia) and Save the Children United Kingdom. In November 2010, she attended a conference on improving the implementation and follow-up of the observations and views of treaty bodies, the recommendations of special procedures mandate holders and the outcomes of the universal periodic review, organized in Geneva by the Open Society Justice Initiative, the Brookings Institution (in the context of its foreign policy programme) and UPR Watch. In January 2011, the Special Rapporteur participated in consultations on national action plans on the right to water and sanitation organized by the Special Rapporteur on the human right to safe drinking water and sanitation. In March 2011, she participated in an event organized in parallel to the sixteenth session of the Council on children on the move in street situations. Also in March, she attended a regional workshop held in Brussels on follow-up to the outcomes of the universal periodic review and the recommendations of other human rights mechanisms. In May 2011, she participated in a symposium entitled "Migration and youth: harnessing opportunities for development", organized in New York by the Global Migration Group. In June 2011, she participated in consultations on draft guiding principles on extreme poverty and human rights organized by the independent expert on the question of human rights and extreme poverty and attended an expert seminar on discrimination on the basis of work and descent hosted by the independent expert on minority issues. In July 2011, she moderated a segment of the expert meeting on the legal framework required to prohibit, prevent and respond to all forms of violence against children co-organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Representative of the Secretary-General on Violence against Children, the Inter-Parliamentary Union and the International NGO Advisory Council for follow-up to the study on violence against children of the Secretary-General.

II. Building rights-based and comprehensive national child protection systems to prevent and combat the sale of children, child prostitution and child pornography

A. Introduction

1. Context

5. In her previous report, submitted to the General Assembly in 2010, the Special Rapporteur highlighted some of the achievements gained in combating the sale of children, child prostitution and child pornography (see A/65/221, sect. C). Nevertheless, many challenges remain with respect to gauging the full scope of these offences, preventing their occurrence, investigating and prosecuting offenders and providing effective protection to children who are victims, witnesses and at risk of being sold or of becoming the victims of prostitution and pornography.

6. Serious challenges persist in spite of all the standards that exist at the international level (e.g. the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), of the International Labour Organization; and the Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime) and at the regional level (e.g. the African Charter on the Rights and Welfare of the Child; the Inter-American Convention on International Traffic in Minors; and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse), and global commitments (e.g. the Stockholm Declaration and Agenda for Action of 1996; the Millennium Development Goals; the Yokohama Global Commitment of 2001; and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents of 2008).

7. While interacting with relevant stakeholders (States, national human rights institutions, civil society and children) throughout her mandate, and particularly during her country visits, the Special Rapporteur has noted the need for further practical guidance on the effective implementation of those instruments, including the provisions of the Optional Protocol and the recommendations formulated by the Special Rapporteur in the context of thematic focus areas.

2. Objective of the report

8. By providing a detailed outline for the creation of comprehensive child protection systems, the present report seeks to provide a practical guiding tool that will assist all stakeholders in enhancing the effectiveness of activities for the protection and promotion of children's rights.

9. The report is based on the work carried out by the Special Rapporteur and her predecessors, including through country visits, and on reports and studies of United Nations human rights mechanisms and agencies and other regional and international organizations.

B. Rights-based child protection systems: general principles

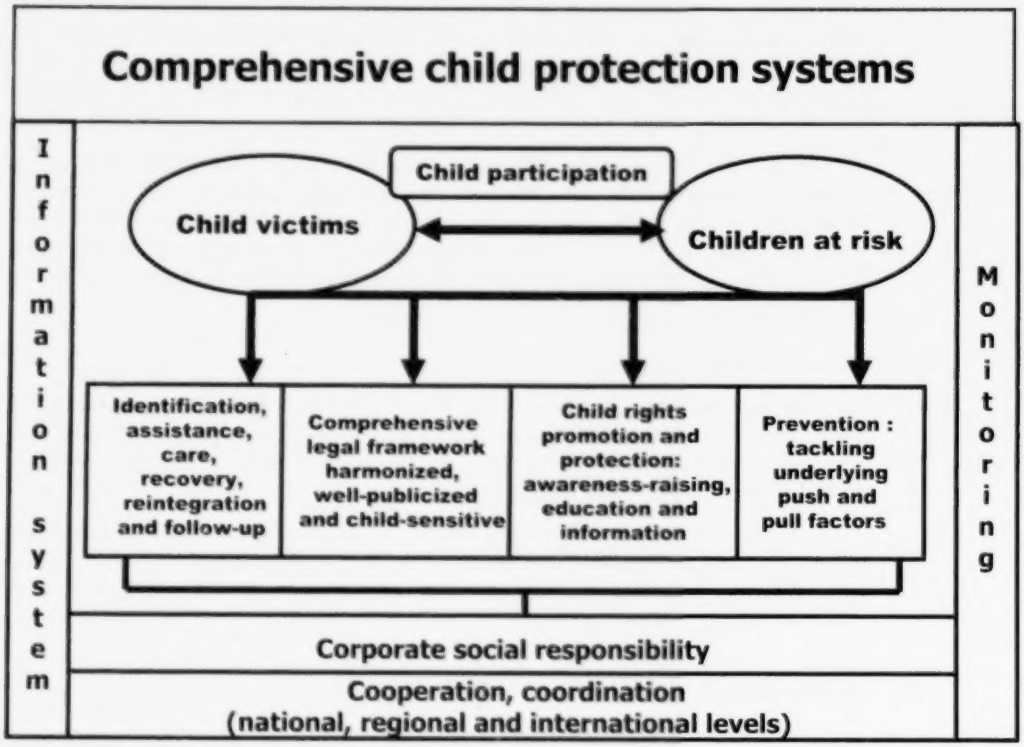
10. Since taking up her functions in 2008, the Special Rapporteur has focused on the need for a holistic and comprehensive approach that is child-centred, in order to protect all children, without discrimination, from being sold and sexually exploited.

11. The sale and sexual exploitation of children are fuelled by a number of interdependent factors stemming not only from the local or national context in which the child lives and was raised (political, legislative, cultural, environmental, socio-economic and institutional) but also from the global context (tourism, communications technology, the financial crisis, the food crisis and climate change). This multifaceted and complex context necessitates a response that incorporates an integrated approach with a view to putting in place, with the effective participation of children, genuinely local and national child protection systems.

12. To that end, there must be a shift away from the fragmented child protection responses we frequently see towards the proactive development of comprehensive, sustainable and context-specific child protection systems. Concerted efforts must be made to establish a coordinated set of social norms, laws, policies, regulations and services, capacities and monitoring and oversight activities across all social sectors —

especially social welfare, education, health, security and justice — to prevent and respond to child protection-related issues and risks (see figure below).[2]

Figure


Comprehensive child protection systems
Information system
Child participation
Child victims
Children at risk
Identification, assistance, care, recovery, reintegration and follow-up
Comprehensive legal framework harmonized, well-publicized and child-sensitive
Child rights promotion and protection: awareness-raising, education and information
Prevention : tackling underlying push and pull factors
Monitoring
Corporate social responsibility
Cooperation, coordination
(national, regional and international levels)

13. In order to be functional and effective, child protection systems should:

(a) Focus on the child and have, as their primary consideration, the promotion of the child's best interests;

(b) Be governed by comprehensive laws that are compliant with international standards and by national policies and regulations (establishing mandates, responsibilities, standards and systems of supervision to ensure compliance);

(c) Include both formal and informal mechanisms (that rely, for example on a traditional and custom-based authority or on community-based organizations) and formalize their mandate through the law and government regulations;

(d) Ensure that child-sensitive services are available at all levels and that such services are regulated by quality standards (implemented by knowledgeable, well-trained staff and with adequate resources) and accessible to all children without discrimination;

[2] See United Nations Children's Fund ,Child Protection System Mapping and Assessment Toolkit, available from www.unicef.org/protection/index_54229.html.

(e) Integrate children's views and experiences through their effective participation and inclusion;

(f) Ensure that all providers of services to children and families (the public sector, civil society organizations) are held accountable through the effective regulation and monitoring, at all levels, of child protection standards.

C. Rights-based child protection systems: components

1. Clear normative and conceptual framework

14. The starting point for any adequate response to the sale of children, child prostitution and child pornography must be the establishment of clear definitions of those phenomena in national legislation. This conceptual clarity is a sine qua non condition for avoiding legal gaps, ensuring the proper identification of child victims and promoting the effective implementation of the legislation.

15. The effectiveness of child protection laws is often hampered by disparities and the use of imprecise definitions, which can lead to certain acts remaining unpunished, corruption, selective enforcement or, in extreme cases, a general culture of impunity.

16. The Convention of the Rights of the Child and its Optional Protocol are fundamental tools for strengthening the protection of children and punishing offenders. They provide extremely useful definitions, thus allowing all stakeholders to share a common understanding and interpretation of the following terms:

(a) A "child" is defined as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". The same definition applies to the Optional Protocol. Some States define a child as an individual under the age of 18, while others take into account the age of criminal responsibility or the age of consent to sexual activity. These variations can create uncertainty in law enforcement;

(b) The "sale of children" is defined as "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration". The sale of children can occur for the following purposes: sexual exploitation, forced labour, the transfer of organs and illegal adoption;

(c) "Child prostitution" is defined as "the use of a child in sexual activities for remuneration or any other form of consideration". This includes offering, obtaining, procuring or providing a child for child prostitution. The phrase "any other form of consideration" means that child prostitution is taking place even when a child is being used in sexual activities in exchange for goods, services or favours such as food, lodging or drugs, not only in exchange for money;

(d) "Child pornography" is defined as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes". This definition refers to all activities undertaken for the purpose of producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography. New developments in the use of communications technologies (blogs, mobile telephony and online social networks) demand the constant adaptation of conceptual and normative frameworks. The Council of Europe

recently adopted the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which provides the most updated definitions and detailed standards in that regard. In addition to addressing the involvement of children in sexual abuse, prostitution and pornography, the Convention addresses the issues of "grooming" (the use of online technologies to solicit children for sexual purposes) and sex tourism.

17. Despite clear definitions, the interpretation of concepts can be a difficult and challenging process, especially when definitions overlap. There are, for instance, various links between the sale of children, the trafficking in children, the forcing of children into labour and the recruitment of children for use in armed conflict.

18. The trafficking in and sale of children are overlapping concepts, but they are not identical. Pursuant to article 35 of the Convention on the Rights of the Child, States parties are required to take measures to prevent both the traffic in and sale of children.

19. There is often confusion between sexual exploitation and sexual abuse, particularly when they occur within the family. In the context of the Optional Protocol, sexual exploitation covers the use, recruitment or offer of a child for purposes of prostitution or pornographic material or performances. Forced and early marriage can be considered a form of sale for the purpose of sexual exploitation. One manifestation of this is the offering of young girls as wives to men — often older men — in exchange for money.

20. States parties to the Optional Protocol are specifically required to prohibit the sale of children for the purpose of engagement in forced labour. Pursuant to Convention No. 182 of the International Labour Organization, "the worst forms of child labour" include the "forced or compulsory recruitment of children for use in armed conflict".

21. The question is not, however, how to categorize these offences, but whether the responses to them, in terms of protecting children and punishing offenders, are adequate and comply with the provisions set out in the various international instruments to which States are parties.

2. Reliable and regular information on the prevalence of and knowledge about the phenomenon

22. The full extent to which the sale of children, child prostitution and child pornography occur is difficult to assess because data are scarce and often unreliable. The culture of silence that surrounds these crimes due to fear, cultural taboos, shame and a lack of confidence in the justice system results in high levels of underreporting, exacerbating difficulties in collecting data.

23. The establishment of a centralized, standardized and reliable information system is essential to an accurate understanding of the scope of these phenomena and is key to the establishment and resourcing of appropriate and effective prevention and response strategies. Standardization would make it possible to analyse data and emerging and long-term trends, and would provide relevant entities at the national level the opportunity to share information.

24. A reliable information system should be based on the following principles:

(a) A common understanding of the conceptual elements;

(b) A rigorous method for the collection and processing of sufficient quantities of reliable data disaggregated by age, sex, location (urban or rural areas) and need for special protection.[3] Data collected should reflect different forms of exploitation, including the sale of and traffic in children for sexual and other exploitative purposes, such as forced labour, illegal organ transfer and illegal adoption;

(c) The establishment of national indicators, particularly when data are supplemented with qualitative and quantitative research studies. Indicators can be essential evaluative tools to assess progress, identify remaining challenges and inform the development of further legislative, policy and programmatic measures;[4]

(d) Awareness-raising among children, families and communities to combat stereotypes and cultural resistance that can contribute to underreporting and undermine the collection of relevant data;

(e) Qualitative and quantitative surveys and research regarding both the prevalence of and knowledge about these phenomena;

(f) Effective means of coordinating the intersectoral exchange of information within and between the regional and international levels;

(g) The opportunity for children to have their views heard and taken into consideration in the processes of data collection and conducting of research, provided that appropriate safeguards are in place.

3. Legal framework prohibiting, preventing and responding to all forms of sale and sexual exploitation of children

25. Several international and regional instruments on the rights of children contain provisions and detailed standards that prohibit, prevent and respond to all forms of sale and sexual exploitation of children:

(a) The Convention on the Rights of the Child promotes a comprehensive system for protecting children from violence and from sexual and other forms of exploitation (articles 34 and 35 specifically recognize the right of children to be protected from sexual exploitation and sexual abuse, for any purpose or in any form);

(b) The Optional Protocol requires States parties to prohibit the sale of children, child prostitution and child pornography, adapt legal and investigative procedures to the special needs of child victims, including as witnesses, provide support services, inform children of their rights, their role and the scope, timing and progress of proceedings, avoid unnecessary delay, allow the views, needs and concerns of children to be presented and considered, uphold their right to privacy and protect them against intimidation and retaliation. In addition, the Optional

[3] See general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6).

[4] Since 2006, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has worked with States, national human rights institutions, non-governmental organizations, specialized agencies of the United Nations and other stakeholders to develop a conceptual and methodological framework and indicators. From these efforts, OHCHR has developed a practical guide to help disseminate and implement the conceptual and methodological framework on the use of indicators.

Protocol provides for the best interests of the child to be a primary consideration in the treatment of victims in the criminal justice system and for the persons who work with victims to receive appropriate training;

(c) Other international and regional child rights instruments complement the Convention and the Optional Protocol and outline useful and detailed standards with a view to prohibiting, preventing and responding to the sale of children, child prostitution and child pornography, thus emphasizing the indivisibility and interdependence of rights.

Guiding principles

26. National legal frameworks (civil and penal) should be harmonized with ratified international instruments. They should be accompanied by binding measures and mechanisms inscribed into a comprehensive legal framework that forms part of a comprehensive child protection strategy.

27. Comprehensive legal frameworks that embrace both civil and penal laws and cover prohibition, prosecution, protection, care, assistance and prevention should include the specific provisions set out in paragraphs 28 to 31 below.

28. With regard to prohibition, comprehensive legal frameworks should:

(a) Define, prohibit and criminalize, in accordance with existing international human rights standards, all the offences covered in the Optional Protocol (including the new forms of sexual exploitation committed through the use of information technology and social networks, among others) and set minimum penalties that reflect the gravity of the crimes;

(b) Establish an age limit of 18 years for defining a person as a child in relation to offences covered in the Optional Protocol, prevent the criminalization of a person under this age limit for offences covered in the Optional Protocol and recognize that the consent of a child is not relevant, even in cases when the adult is unaware of the child's age;

(c) Establish 18 years as the minimum age of marriage for girls and boys, with a prohibition on the procurement, offering, conducting of or forcing into an under-age marriage;

(d) Establish extraterritorial jurisdiction, abolish the requirement of double criminality for these offences and facilitate mutual legal assistance in order to secure the effective prosecution of perpetrators and the implementation of appropriate sanctions while making all acts related to the sale and sexual exploitation of children extraditable offences in existing or newly established extradition treaties;

(e) Introduce criminal investigations and the initiation of proceedings (a number of provisions would need to be invoked to assist in the investigation of offences and the pressing of charges in cases where the child victim or another person on her or his behalf does not file a report);

(f) Address corruption in law enforcement and the judiciary, as well as other authorities, with a view to caring for children, recognizing that corruption is a major obstacle to the effective enforcement of the law and the protection of children.

29. With regard to reporting, comprehensive legal frameworks should:

(a) Ensure that it is mandatory for professionals working with children to report instances where there is a suspicion or a risk of children being sold or sexually exploited. The obligation to report should be included in the codes of conduct and regulations of professional associations and in all institutions and agencies that regularly work with children at risk, including schools, residential and institutional facilities, medical services and law enforcement bodies;

(b) Ensure that Internet service providers, mobile telephone companies, search engines, Internet cafes and others are legally required to report any case of child pornography to the police, block access to offending websites and keep records, in accordance with established standards, for the purpose of investigation and prosecution. Similarly, financial institutions should be legally required to report, block and impede the functioning of financial mechanisms that make child pornography websites possible;

(c) Establish child-sensitive complaint, counselling and reporting mechanisms (see below).

30. With regard to protection, care and child-friendly procedures, comprehensive legal frameworks should:

(a) Empower the authorities concerned to intervene in situations of emergency and remove children from such situations if necessary;

(b) Provide child victims, witnesses and their families with adequate care, assistance and psychosocial support (including family support if needed) to ensure the full recovery and social reintegration of child victims;

(c) Ensure that child victims have access to child-sensitive information about their rights and relevant procedures, including for seeking compensation for damages, and that they exercise their right to be heard and listened to;

(d) Protect the privacy and well-being of child victims and witnesses at all stages of the criminal justice process (i.e. during identification, investigation, prosecution, punishment and extradition proceedings), including by ensuring that children are not subjected to fines, imprisonment or other punitive action;

(e) Ensure that children do not suffer from hardship and revictimization as a result of participating in criminal proceedings by limiting the number of interviews they are involved in, using video recordings and secure rooms, and providing legal aid or a special representative;

(f) Ensure free and easy access to legal remedies;

(g) Ensure prompt responses in the treatment of cases;

(h) Grant compensation to child victims and enforce the payment of such compensation, as necessary.

31. With regard to prevention, comprehensive legal frameworks should:

(a) Ensure children's birth is registered. A birth record, because it certifies a child's age, allows appropriate legal steps to be taken to ensure the protection of the child and the punishment of the offender. Children whose birth has been registered are less likely to be sold or illegally adopted, in part because they have proof of who their parents are;

(b) Develop and implement strict international and national adoption laws foreseeing: (i) adoption as a last resort; (ii) the identification of suitable measures, which include the placement of children with their biological or extended family; (iii) preference for national adoption over international adoption; and (iv) the obligation to conduct compatibility studies between the adoptive family and a child given up for adoption, keeping in mind the best interests of the child, with a view to avoiding the sale of children for illegal adoption;

(c) Ensure that vulnerable children have an adequate standard of living, free access to health care and services, education and social security, and that their parents receive the necessary support;

(d) Establish specific legal mechanisms and programmes for preventing recidivism among sex offenders and forbidding sex offenders from carrying out activities with children, including the collection and sharing of good practices and the establishment, where appropriate, of registers of sex offenders.

32. In order to ensure the effective implementation and ownership by all the stakeholders of this comprehensive legal framework, the following actions should be undertaken, in conjunction with the enforcement of legislation:

(a) Involvement of all stakeholders, including children and youths, in the development of the legal framework from the earliest stage of the process;

(b) Launch of awareness-raising and advocacy initiatives among communities, children and youths, ensuring that relevant issues are included in the public debate through the media, civil society and policymakers;

(c) Widespread dissemination, in a way that is user-friendly and appropriate, of information regarding legislation and procedures;

(d) Adequate training of judges, prosecutors, lawyers, police officers, teachers, social workers and other professionals regarding the rights, needs and best interests of the child;

(e) Provision of adequate resources to implement all measures, programmes and policies;

(f) Fostering transnational cooperation at regional and international levels, which is necessary owing to the mobility of children and offenders and the widespread use of new technologies.

4. Early identification, effective protection, care and follow-up of child victims

33. To ensure the effective identification, care, assistance and follow-up of child victims, precise and adaptable protocols must be developed and implemented with the participation of all those involved in child protection. Such protocols should clarify the steps that need to be taken (from the early identification of children who have been sold or become victims of prostitution or pornography to the full recovery and social integration of such children) and the role and responsibilities of each actor, thereby allowing for better coordination and information-sharing.

Early identification

34. It is crucial that children who have been sold or become victims of prostitution or pornography be identified early. Identification can be an effective means of

protecting child victims and children at risk of becoming victimized or revictimized, while also ensuring that they are not unjustly treated as offenders.

35. Furthermore, identification can play a key role in the creation and implementation of targeted prevention strategies and response measures to address existing protection gaps.

36. Methods used to identify child victims must enable professionals to distinguish whether a child who was sold was victimized for the purpose of sexual exploitation, forced labour, begging, illegal adoption or the transfer of organs. Professionals must also be able to determine whether a child was a victim of prostitution, including in the context of sex tourism, or of child pornography, including online pornography and grooming.

37. An essential component of the identification process is the establishment and implementation of appropriate procedures, including child-focused or child-friendly reporting and complaints mechanisms.

38. Any processes that enable the identification of child victims must be carried out in compliance with the principles outlined above and with standards that require the following:

(a) Respect for children's right to dignity and to having their views heard and taken into account in a safe and reassuring environment;

(b) Ensuring children's right to be informed quickly and in an accessible language or format about all the options, procedures, protective measures and services available to them;

(c) Providing children with appropriate professional support, including to address the various physical, psychological and social consequences of submitting a complaint;

(d) Treating the information obtained at all stages confidentially, upholding the rights of children, including the right to privacy, and preventing the inappropriate dissemination of information that could lead to the identification of child victims;

(e) Guaranteeing the safety of child victims, their families and witnesses by protecting them from any risk of harm, intimidation, reprisal or revictimization;

(f) Incorporating age assessment processes that consider both the physical appearance and psychological maturity of the individual and that are carried out in a safe, child- and gender-sensitive and fair manner by trained professionals, avoiding any risk of violation of the physical integrity of the child;

(g) Incorporating measures that protect against overreporting and revictimization;

(h) Ensuring that all processes are adequately resourced;

(i) Ensuring that all processes are subject to regular and systematic monitoring to determine whether they are child-friendly; such monitoring should include safeguarded consultations with the children who have availed themselves of the processes.

Easy access to child-sensitive complaints and reporting mechanisms

39. It is equally imperative that all children have easy and facilitated access to independent, child-sensitive, timely and effective complaints and reporting mechanisms (see also A/HRC/16/56). Such mechanisms should meet the following criteria:

(a) Be established by law and in conformity with international human rights instruments;

(b) Be guided by the best interests of the child and informed by children's experiences and perspectives;

(c) Maintain strict confidentiality during proceedings and related processes and respect the right of the child to privacy;

(d) Be actively and thoroughly publicized and made widely available to children and adults, including those acting on behalf of children;

(e) Be accessible to all children under the jurisdiction of the State, without discrimination of any kind, while being age appropriate and gender-sensitive and granting special protection to children at risk;

(f) Enable very young children and marginalized groups of children (unaccompanied or separated children, street children, children who do not speak the language of the dominant culture, children with disabilities etc.), who are more vulnerable, to have the same opportunities to communicate about actual or potential violations;

(g) Be accessible throughout the country through an easy-to-remember three-digit, toll-free, 24-hour hotline. Hotlines should provide practical aid and support to child victims in all the local languages and the languages of neighbouring countries and be connected with and able to contact relevant authorities when necessary;

(h) Guarantee the safety of children, including through measures to avoid any risk of harm, intimidation, reprisal or revictimization;

(i) Promptly and efficiently take and communicate decisions to avoid adverse consequences to those concerned, and be followed-up as deemed appropriate;

(j) Be adequately resourced financially, professionally and technically;

(k) Regularly undergo systematic monitoring to determine whether they are child-friendly; such monitoring should include safeguarded consultations with children who have availed themselves of the processes.

Multidisciplinary protection, care and assistance

40. Once a child victim has been identified, steps must be taken immediately to contact the relevant law enforcement and/or social service authorities to begin the process of securing appropriate care and assistance for the well-being of the child. When possible, child victims must be urgently removed from harmful situations and placed in a secure and supportive environment that will provide the necessary educational, health-care, recovery and rehabilitative support.

41. Bearing in mind the serious physical, psychological and emotional consequences of crime and victimization for victims and witnesses, children (and their families) must have access to professional and coordinated assistance and support, including financial aid, free legal assistance, counselling, health and medical care and educational services, as well as psychosocial recovery, rehabilitation and reintegration services.

42. The most effective responses are multidisciplinary and take into account the various types of short-, mid- and long-term care and assistance that child victims require for their full recovery and reintegration. True efficacy requires that responses be:

(a) Part of a comprehensive recovery and rehabilitation plan;

(b) Available to the child and her or his family;

(c) Child- and culturally-sensitive, taking into account gender, ethnicity and disability and other factors that may heighten a child's vulnerability;

(d) Equipped to provide special and prompt protection and assistance to child victims and witnesses; such assistance should be appropriate to the age, level of maturity and unique needs of the child in order to prevent further hardship and trauma;

(e) Able to offer safe and child-friendly alternative or residential care that accommodates the basic needs of child victims, is governed by child protection norms and standards and is subject to regular monitoring. To that end, it is essential to establish minimum standards for alternative and residential care. All registered centres must be required to submit monthly reports on the arrival and departure of children and details related to their care and transfer;

(f) Connected to an effective referral system that incorporates the obligation to investigate situations that place children at risk in order to enable the appropriate authorities to carry out interventions;

(g) Staffed by professionals who are well trained, employ a collaborative and integrated approach, have the requisite knowledge and skills and are guided by child rights standards and ethical principles in counselling and support (including in relation to reporting and complaint mechanisms and to recovery and reintegration programmes);

(h) Undertaken in an environment that supports the health, self-respect and dignity of the child and, in particular, promotes the complete physical and psychological recovery and social integration of all child victims;

(i) Supported by adequate human, technical and financial resources.

Regular follow-up of children

43. To ensure that child victims receive appropriate assistance for their full social reintegration and physical and psychological recovery, follow-up measures must:

(a) Provide appropriate mental health services for children, adolescents and adults;

(b) Favour family- or community-based environments over institutional or residential care for the long-term living arrangements of child victims, in accordance with the best interests of the child;

(c) Make available family support and counselling for children living in alternative forms of care, including those provided by foster families and other caregivers, to fully support children through all stages of their recovery process;

(d) Appoint a guardian for children who have been repatriated to their country of origin to ensure they receive long-term care and protection;

(e) Ensure that in cases where victims seek compensation for damages from those legally responsible for a violation, reparation mechanisms take into account the long-term reintegration, psychosocial and physical issues that victims might face;

(f) Follow up regularly until the child's full recovery is achieved.

5. Effective and comprehensive preventive measures

44. Despite widespread recognition that investing in prevention is one of the main ways to safeguard the rights of children and combat all forms of violence perpetrated against children, including exploitation, the many preventive measures currently taken by various stakeholders are mainly reactive and insufficiently effective.

45. Because of the multifaceted nature and complexity of the sale of children, child prostitution and child pornography, preventing the victimization of children requires the adoption of effective preventive measures that are developed in the framework of a comprehensive child rights system and involve all relevant stakeholders, including children, families and communities.

Guiding principles

46. To be effective, preventive measures should form the core component of national child protection systems and be anchored in child-rights laws and policies.

47. Preventive measures should be implemented more proactively by adopting a strong preventive and prohibitive legal framework (see paras. 25-32 above) and mainstreaming strategies aimed at growth and poverty reduction, such as the Millennium Development Goals, into broader national policy frameworks with a view to minimizing the risk of children being sold and sexually exploited and implementing a vulnerability risk assessment framework that would enable professionals to determine when a child is in a situation requiring intervention and when he or she requires support, as well as to determine which type of action is most appropriate given the child's needs.

48. Preventive measures should address critical socio-economic factors by:

(a) Ensuring that all children are immediately registered for free at birth and that special attention is paid to children who have not yet been registered, children at risk and children in marginalized situations;

(b) Ensuring the availability of and access to socio-economic services, beginning with adequate food, housing, education and health care, for children at risk and their families, enabling them to live a life of dignity;

(c) Providing single mothers (particularly adolescent girls) with support through social welfare systems that offer a full range of alternative care services and assistance within child protection systems;

(d) Ensuring that all preventive measures are known, available and accessible to the most vulnerable and marginalized children.

49. Preventive measures must include steps to promote sustainable education and awareness-raising, including by:

(a) Conducting awareness-raising and educational campaigns in schools, communities, rural and remote communities and making use of all forms of media, information and communications technologies, including social networking tools. Effective campaigns should be developed collaboratively by professionals from different disciplines and others working with children and must be adequately resourced;

(b) Involving community and religious leaders with a view to using their moral authority, social influence and leadership to guide communities in protecting children against all forms of violence, abuse and exploitation;

(c) Informing children, their families and others working with children about the availability of complaints mechanisms and child-friendly complaint, reporting and counselling services, including hotlines, if a child has been or is at risk of being victimized in any way;

(d) Making available in schools sex education programmes that provide information on healthy sexual development, safe sex and reproduction, and emphasize gender equality, self-respect, empowerment and respect for others. In the absence of such programmes, the proliferation of images and videos through information and communications technologies may shape children's first ideas about sexuality and sexual behaviour, increasing the risk that they will reproduce while still young or become victims of abusive behaviour;

(e) Undertaking partnerships with print and electronic media and the private sector (particularly in the areas of tourism and information technology) to disseminate information and launch campaigns designed to raise awareness about the rights of children, laws that prohibit and seek to combat all forms of violations, the increased risks faced by many children and certain behaviours that may indicate predatory activity taking place in a community or online. Information and communications technologies, including social networking tools, should be utilized fully to reach as many children as possible.

50. Preventive measures should include steps to fund and conduct shared research on the national and transnational demand for services that exploit children and analyses of the specific context in which harmful and discriminatory social norms (practices, behaviours, attitudes) take place. Such research and analyses would be used to inform laws and policies.

51. Preventive measures must encourage and facilitate child participation and empowerment. That can be done by encouraging and supporting child-led initiatives in all preventive measures and by supporting children in gaining broader knowledge about their rights and the options available to them to address abuse so that they are empowered and able to protect themselves and other children.

6. Child participation and empowerment

Child participation

52. Children are not only victims or vulnerable: they can and should actively take part in finding solutions. Child participation is based on the right of each child to express her or his views and to have those views taken into consideration in all matters that directly or indirectly concern her or his life, with the objective of influencing decision-making and achieving change.

53. Child participation also refers to a way of working that gives children, including those most marginalized and those of different ages and abilities, the opportunity to participate on an informed and willing basis.

54. Finally, child participation is essential to a child-rights approach. As such, it must be implemented in all areas, programmes, policies and other relevant actions, from homes to Governments and from the local to the international level.

55. Responsibility for ensuring the participation of children is broadly shared by local governments and authorities, people who work directly with or on behalf of children, parliaments and legislatures, non-governmental organizations and civil society, independent national human rights institutions, the private sector and corporate entities, religious, spiritual, cultural and indigenous leaders, and regional and international organizations and multilateral agencies. The mass media also has an important role to play in communicating the value of children's participation for all children, families and wider society.

56. Adapting practical measures that give children increasing responsibilities in accordance with their age and development, known as the principle of evolving capacities, is closely connected with the right of the child to be heard. Giving full effect to that principle is recognized as a challenging exercise owing to the difficulty that many adults have in accepting the capacities of a child to understand, communicate and make informed choices during important decision-making processes.

Guiding principles

57. Child participation mechanisms must operate in compliance with internationally recognized standards and ensure the following:

(a) Availability of and access to well-publicized information in local languages and different formats (for children with disabilities) that is suitable for children of different ages, including the very young, and at different stages of maturity;

(b) Voluntary and informed participation of child and youth representatives;

(c) Institutionalization of mechanisms for the participation, without discrimination, of all children, such as children's parliaments, youth forums, councils and committees at the national, regional and municipal levels;

(d) Establishment and maintenance of a child-friendly and enabling environment that ensures the protection and safety of children;

(e) Equality of opportunity and guaranteed participation of children from vulnerable and marginalized at-risk groups, including children with disabilities and

those living in extreme poverty, in rural and remote areas, within alternative care settings or living and/or working on the streets, taking care to avoid the representation of only children from privileged backgrounds;

(f) Establishment of and adherence to ethical standards and child rights principles that include transparency and accountability;

(g) Presence of effective, professionally trained, qualified and confident staff and support personnel;

(h) Incorporation of regular and independent monitoring of the quality, permanence, accountability and follow-up activities of the mechanisms and the practices they give rise to.

58. Children's participation must be systematized in all monitoring activities: children must have the opportunity to provide feedback on processes and make suggestions for possible improvements, thus ensuring that their views are taken into consideration. In addition, children must be provided with child-friendly and accessible feedback on their participation through immediate and clear statements on the impact and value of their contributions, the decisions they have taken and next steps. This enables children to understand the outcome and use of their contributions.

Child empowerment

59. To enable children to be part of efforts to effectively combat the sale of children and all forms of exploitation, including sexual exploitation and forced labour, children must be empowered to fight for their own protection and that of their peers. There are currently countless child-led organizations and networks around the world dealing with major issues of concern such as human trafficking, commercial sexual exploitation, forced labour and street children.

Guiding principles

60. Child-led organizations and peer-to-peer initiatives must operate in compliance with the guiding principles and standards related to child participation set out above. Governments should encourage and support child-led organizations and initiatives (peer-to-peer initiatives and youth-led research) by:

(a) Providing technical, material and logistical support to enable children to develop and carry out their activities;

(b) Ensuring the enhanced recovery and skill-development of any child victim participating in such initiatives;

(c) Developing structures and protective frameworks that enable victims and at-risk children to carry out activities in a secure and supportive environment;

(d) Involving children in decision-making processes related to all matters of concern to children and youth.

7. Regular and effective monitoring and assessment

61. A wide variety of national, regional and international efforts have been made around the world to prevent and combat violations of the rights of the child. While such efforts represent an important first step, weak or absent centralized information

systems and monitoring mechanisms make it extremely difficult to evaluate and measure changes in the situation of children and the impact of any action taken or to make evidence-based decisions for future action.

62. In the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, the participants in the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, from 25 to 28 November 2008, recommended the establishment by 2013 of independent institutions for the promotion and protection of the rights of the child, taking into account general comment No. 2 of the Committee on the Rights of the Child. The objective of such independent institutions is to ensure the protection of children, the restitution of their rights, independent monitoring of the strategies and policies being implemented, advocacy for strengthening legal frameworks and the availability of and accessibility to appropriate legal remedies, including the possibility of filing complaints.

Assessment and monitoring of national child protection policies, strategies and programmes

63. Monitoring is one of the key measures needed for the effective implementation of protection systems, making it possible to review progress made and identify existing challenges and proposals regarding remedial actions. Monitoring can therefore also serve a preventive function.

64. The expansion and strengthening of mechanisms for monitoring and assessing policies and programmes must be done in accordance with the following principles and standards:

(a) Monitoring should include a review of steps taken, progress achieved and possible impediments faced in the implementation of political commitments that have been undertaken; periodic reports should be made to parliament and the general public;

(b) Multisectoral and collaborative efforts should be encouraged between the Government, the parliament, the public administration, child protection networks, civil society (including children, families and the general public), community-based organizations, the media and the private sector;

(c) Monitoring processes should be standardized, yet remain flexible enough that they can be adapted and applied to specific contexts;

(d) Accountability in budget allocation and use must be developed and monitored;

(e) Attention should be paid to the implementation of relevant recommendations that have been adopted or issued by international and regional bodies and mechanisms (treaty bodies, special procedures mandate holders, the universal periodic review and regional and national human rights institutions);

(f) Every context requires a comprehensive and reliable national data collection system to ensure that accurate information is available and to facilitate the monitoring and evaluation of systems, services, programmes and outcomes so that appropriate responses can be developed;

(g) Evaluation should ideally be based on universally recognized, locally adapted and evidence-based indicators.

Independent monitoring mechanisms

65. Several kinds of independent monitoring mechanisms are available, including independent children's rights advocates such as children's ombudspersons or focal points on children's rights, which could be located within an existing human rights institution or the office of a general ombudsperson.

66. Regardless of its structure, each human rights institution and monitoring mechanism should be established in accordance with internationally recognized guiding principles and standards and must be:

(a) Independent, fully competent and broadly, clearly and flexibly mandated to promote and protect the rights of the child in a proactive and innovative manner;

(b) Consultative, inclusive, transparent and based on a holistic vision of the child and her or his relationships with other actors;

(c) Committed to prioritizing the best interests of the child, including by strictly observing principles of confidentiality and promoting a child-friendly environment founded on trust;

(d) Reactive and proactive and playing a central role in the independent monitoring of actions taken to prevent and protect children from being sold or exploited, whether for sexual or other purposes, including by restoring the rights of victims, advocating for strengthened legal frameworks and enforcement and ensuring access to effective remedies and redress, including independent complaints procedures;

(e) Authorized to undertake investigations and make inquiries into general and specific violations of the rights of the child (on its own initiative or in response to complaints filed);

(f) Able to conduct regular visits to settings, including, in particular, to detention and care institutions, to ensure that they conform with established standards and to determine the extent to which the views of children are listened to and weighed by the institution;

(g) Adequately resourced and staffed by professionals from a variety of disciplines wherever possible.

67. Furthermore, monitoring institutions must:

(a) Review the adequacy, effectiveness and impact of laws and practices on the rights of the child and promote their harmonization with the Convention on the Rights of the Child and its optional protocols and other international human rights instruments;

(b) Review the activities and impact of corporate social responsibility initiatives;

(c) Ensure that children are able to exercise their right to be heard on matters concerning them and in defining issues related to their rights, and to publicize widely the availability of effective remedies and redress, including the possibility of submitting individual complaints for violations of children's rights;

(d) Ensure that the principles and provisions of the international and regional children's rights instruments that have been ratified are widely known and understood, including by Governments, public agencies, civil society and the general public, including children;

(e) Review and report on Governments' implementation and monitoring of the state of children's rights, including by ensuring that statistics and other data are collected, appropriately disaggregated, processed, analysed and shared;

(f) Make independent contributions to the process of reporting on children's rights to the international treaty bodies;

(g) Undertake rigorous and periodic independent monitoring to determine what progress has been achieved and what challenges remain.

8. Effective corporate social responsibility

68. The commitment and involvement of businesses has increased considerably and a large number of corporate social responsibility initiatives are currently under way. While some States have adopted legislation on the responsibility and accountability of Internet service providers, telecommunications companies and banks, participation in most corporate social responsibility initiatives remains voluntary.

69. A significant number of businesses have adopted codes of conduct in an attempt to adhere to international legal standards. In addition, they have supported, in partnership with Governments and non-governmental organizations, information and awareness-raising campaigns, as well as prevention and child protection programmes.

70. Numerous principles and guidelines have been developed, including the following:

(a) The United Nations Global Compact, which is a collection of policies and practices through which support is sought from corporate partners to mainstream ten principles focusing on human rights, labour rights, environmental sustainability and actions aimed at combating corruption;

(b) The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism,[5] which aims to prevent the sexual exploitation of children at tourism destinations through the efforts of tour operators and members of their umbrella organizations (travel agents, hotels, airlines etc.) that endorse the Code;

(c) The guidelines aimed at the information and communications technology industry on child online protection,[6] which provide strong rules to protect children from abuse and defend the rights of children in the context of the information and communications technology industry, broadcasters, mobile telephone operators and Internet service providers;

[5] The Code is a joint initiative of ECPAT International, the United Nations Children's Fund and the World Tourism Organization.

[6] Available from www.itu.int/osg/csd/cybersecurity/gca/cop/guidelines/index.html.

(d) The guidelines and principles for reporting on issues involving children[7] developed by the International Federation of Journalists, which encourage media organizations to regard violations of the rights of children and issues related to children's safety, privacy, security, education, health and social welfare and all forms of exploitation as important questions for investigation and public debate.

71. However, although several excellent initiatives provide guidance to businesses on the issue of the protection of children, a comprehensive set of principles does not currently exist to contextualize such guidance within an overarching and coherent framework for businesses and stakeholders on what to do to respect and support children's rights.

72. To that end, in June 2010 the United Nations Children's Fund, the United Nations Global Compact and Save the Children launched a process to develop a set of principles that would outline the full range of actions that businesses could take to respect and support children's rights, promote government engagement with businesses regarding children's rights, offer a unifying framework for existing and future initiatives, promote collaboration among businesses and between businesses and other stakeholders, and raise awareness of the positive and negative impact that businesses have on children. The principles, to be finalized in November 2011, will also be a call to action with regard to the issue of business and children.

73. With a view to incorporating provisions on preventing the sale of children and the involvement of children in prostitution and pornography into new or existing corporate social responsibility initiatives in the tourism, travel, transportation, agriculture, financial services, communications, media, Internet services, advertising and entertainment sectors, among others, steps should be taken to do the following:

(a) Encourage, expand, harmonize and share information on existing initiatives and practices;

(b) Adopt corporate social responsibility instruments throughout the supply chain and to raise awareness among and train all personnel (employees and employers);

(c) Ensure that corporate social responsibility policies are appropriately implemented and that widespread public awareness activities and campaigns are undertaken targeting children, parents and communities, including by using their know-how, human and financial resources, networks, structures and leveraged power;

(d) Respect international corporate labour standards that prohibit the employment of children in any manner that results in exploitation, secure decent working conditions and support women and men who work in their roles as parents or caregivers, and adhere to ethical operating practices in terms of accountability, transparency, respect for the rule of law and payment of fair taxation to generate revenues for economic growth and poverty reduction;

(e) Protect children against online sexual exploitation, including by restricting access to harmful or illegal content through filtering, blocking and

[7] Available from www.ifj.org/en/articles/childrens-rights-and-media-guidelines-and-principles-for-reporting-on-issues-involving-children.

monitoring programmes; providing tools that allow parents and caregivers to control the content of the user; equipping children and their parents with information and user-friendly tools; ending the use of the Internet and new technologies for the grooming of children and the subsequent perpetration of abuse, whether committed online or not; reporting offending content to police; establishing accessible telephone or web-based hotlines; and taking actions to trace and stop the flow of financial transactions for the sexual exploitation of children through the services of financial institutions;

(f) Protect children against child sex tourism by establishing an ethical policy regarding the commercial sexual exploitation of children; training personnel on countries of origin and travel destinations; providing information to travellers in catalogues, brochures, in-flight films and advertisements, websites and on tickets etc.; and providing information to local key persons at destination;

(g) Reinforce community and government efforts to respect children's rights by providing support for services to child victims or children at risk and their families and educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children on children's vulnerability to exploitation, on the use of the Internet, mobile telephones and other new technologies for the purpose of sexual exploitation and on protective measures;

(h) Ensure the effective monitoring of corporate social responsibility mechanisms and activities and report back to stakeholders.

9. Effective international cooperation

74. The sale and sexual exploitation of children have increasingly become international phenomena owing to the development of information technologies, trafficking networks, tourism and migration. Consequently, it is virtually impossible to address these crimes adequately without solid networks at the regional and international levels aimed at promoting coordination and cooperation. This cooperation should facilitate the exchange of information and expertise, the sharing and harmonization of practices and the provision of technical and financial support.

75. Although numerous transnational actions have been taken, including cooperation among police forces to facilitate the exchange of information and expertise and the provision of technical and financial support to developing countries, international cooperation and, in particular, North-South cooperation remains scarce. Some investigative methods (e.g. image analyses of online pornographic material involving children) require important investments in expertise and sophisticated computer technology that developing countries cannot afford. For that reason, human, technical and financial support is essential to ensuring an effective global response to these issues.

76. Divergent legislation, non-harmonized procedures and information systems and a lack of political will on the part of some States to cooperate in investigations and prosecutions represent a significant challenge to efficient regional and international cooperation.

77. In order to ensure sustainable and efficient international cooperation to effectively prevent and combat the sale of children, child prostitution and child pornography, it is necessary to do the following:

(a) Review progress and strengthen follow-up activities on the implementation of existing multilateral, regional and bilateral agreements for the prevention, detection, investigation, prosecution and punishment of offenders and for assisting child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation;

(b) Expand and strengthen multilateral, regional and bilateral agreements by defining clearly the obligations and contributions of each party, time-bound goals and monitoring indicators;

(c) Support and contribute to the international child abuse images database of the International Criminal Police Organization (INTERPOL) and nominate a national focal point (person or unit) to collect and promptly update national data on the sexual exploitation of children and adolescents. Information should be shared systematically with INTERPOL to encourage cross-border law enforcement action, strengthen the effectiveness of such action and adopt multilateral agreements, especially for investigative work carried out by police forces;

(d) Enhance North-South and South-South cooperation, including through the exchange of information and expertise, the sharing and harmonization of practices and tools, and the provision of technical assistance and logistical and financial support to programmes for children run by the public sector, non-governmental organizations and youth initiatives;

(e) Develop, where appropriate and in cooperation with the private sector, policies and programmes that promote and support corporate social responsibility with the support of United Nations agencies, non-governmental organizations , civil society organizations and workers' and employers' organizations;

(f) Establish monitoring mechanisms in order to assess the effectiveness of the cooperation.

III. Conclusions: implementation process

78. **The effective implementation of rights-based child protection systems requires:**

(a) **The strong political will of Governments, backed by the allocation of adequate resources;**

(b) **Full engagement of all actors in a children's rights-based programming approach and the principles involved;**

(c) **Concerted and effective cooperation at the national, regional and international levels, in view of the multi- and intersectoral dimensions of the sale of children, child prostitution and child pornography.**

National level

79. **In order to effectively prevent and combat the sale of, trafficking in and exploitation, including sexual exploitation, of children, comprehensive, appropriately structured and resourced child protection systems must be developed under a comprehensive and cohesive plan of action (or integrated**

into existing development plans); such systems should include targeted legislation, multisectoral policies and programmes that clearly identify the primary actors, their roles and responsibilities, follow-up activities and regular assessment and monitoring activities. National plans of action must be decentralized and developed at the local level.

80. The implementation of child protection systems requires a global mapping and assessment to be carried out, in accordance with the relevant principles and components, with a view to identifying the main issues relating to child protection and examining the scope and capacity of existing child protection laws, policies, strategies and programmes, including informal child protection mechanisms (that rely, for example, on traditional and custom-based authority or community-based organizations).

81. The mapping process must involve all the key players in child protection (public and private sectors, national human rights institutions, non-governmental organizations), including children and communities, with a view to:

(a) Having a global overview of the multidimensional nature of the sale of children, child prostitution and child pornography;

(b) Reviewing the whole legal framework (civil, penal, regulatory) to ensure its compliance with children's rights standards and highlight strengths and gaps;

(c) Identifying the key risks facing children, particularly the most vulnerable;

(d) Prioritizing data requirements for monitoring and evaluating child protection in the country and identifying the need for additional data on less visible themes;

(e) Clearly identifying the primary actors and their roles and responsibilities as children's rights duty bearers;

(f) Assessing the capacity of key formal and informal structures (ministries, agencies, partners, communities, child-led initiatives etc.) to develop, administer, effectively implement and monitor their child protection responsibilities;

(g) Evaluating the availability, accessibility and quality of existing programmes, services and mechanisms and their compliance with standards and norms;

(h) Drawing on promising practices, with a view to capitalizing on them and increasing their impact;

(i) Assessing achievements and challenges relating to the participation and empowerment of children and youths;

(j) Identifying the assets and breaches of institutional mechanisms for coordination, evaluation and monitoring;

(k) Assessing the strengths of and gaps in existing bilateral and multilateral agreements between Governments, as well as existing partnerships with the private sector, the media, civil society and community- and child-led organizations;

(l) **Providing clear information on the financial and human resources allocated;**

(m) **Evaluating the effectiveness of mechanisms aimed at promoting the accountability of all children's rights duty bearers.**

82. **The mapping and assessment will contribute to enabling all actors involved in child protection, including children and communities, to outline a future national policy that complies with children's rights instruments and standards by doing the following:**

(a) **Identifying and prioritizing actions to build effective child protection systems in compliance with the principles and components outlined above;**

(b) **Establishing effective coordination and accountability mechanisms through the effective regulation and monitoring of child protection standards at all levels;**

(c) **Establishing a centralized, standardized and reliable information system, thus enabling a better analysis of data and of emerging and long-term trends and information-sharing between relevant entities at the national level;**

(d) **Defining the technical, financial and human resources required to implement such child protection systems;**

(e) **Adopting a strategy to mobilize resources in the framework of partnerships with civil society, the private sector, the media and international organizations.**

83. **To ensure effective implementation and ownership by all stakeholders, the following actions should be undertaken:**

(a) **Mobilization and involvement of all stakeholders, including children and youth, in the whole process (mapping and assessment, elaboration, implementation, follow-up and monitoring);**

(b) **Awareness-raising among the public and private sectors, community leaders, children and non-governmental organizations, and ensuring that relevant issues are included in the public debate through the media.**

84. **While some States have demonstrated a strong commitment to improving child protection systems, their capacity to act is sometimes hampered by political instability and limited resources. In such cases, it is essential to provide sustainable support through strong and coordinated cooperation at the regional and international levels.**

International level

85. **The implementation of effective child protection systems requires the full participation of all stakeholders at the regional and international level, such as Governments, United Nations entities and other partners in the international community, the private sector (multinational companies), the media and international organizations.**

86. **In the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents it was recommended that a**

comprehensive framework be established by 2013 to harmonize and facilitate coordination and cooperation at the national, regional and international levels among all relevant stakeholders, including child-led organizations, to enable and support concrete actions to prevent and stop the sexual exploitation of children and adolescents.

87. **If necessary, technical assistance could be extended to States by United Nations agencies and United Nations human rights mechanisms, with a view to providing support for the elaboration and implementation of rights-based child protection systems.**

88. **The universal ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography and all relevant international and regional instruments is an essential prerequisite for the development of an effective international child protection framework.**

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Operational activities for development: South-South cooperation for development

The state of South-South cooperation

Report of the Secretary-General

Summary

The present report highlights the changing nature of South-South interactions and how they have impacted development opportunities across the global South. The report is submitted in response to the request of the General Assembly in its resolution 64/221, that the Secretary-General prepare a comprehensive report on the state of South-South cooperation for submission at its sixty-sixth session. Covering the period from 2009 to 2011, in the wake of the 2008-2009 economic crisis, the report presents data showing a more resilient South, which has embraced deeper and more institutionalized integration, resulting in more robust economic, political and social interactions. These increased connections have led to stronger demand for multilateral support to South-South and triangular cooperation, called for both by developed and developing countries, which require further coordination as well as deeper and more targeted financial resources.

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I. Introduction

1. The present report, which was prepared in response to the request of the General Assembly in its resolution 64/221, provides an overview and analysis of the trends and significant developments in South-South cooperation during the period from 2009 to mid-2011.

2. During the period under review, countries such as Brazil, China, India and South Africa have emerged as the leaders of a new geography of growth, as evidenced by their remarkable resilience in the face of the 2008-2009 economic crisis. Economists have noted that these emerging economies have not only become the lead drivers of global economic growth and recovery, they have also improved the economic fortunes of poorer countries owing, in large part, to the rising demand from those countries for goods and services, which accounts for the current surge in South-South trade and investment.[1]

3. In recent years there has been a marked deepening of relations among various stakeholders in the area of South-South and triangular cooperation. Whether on a global, interregional, regional or national scale, Governments have sought to consolidate the legal foundations of cooperation while multilateral bodies have continued to play a brokering role between developing and developed countries, including local stakeholders.

4. In spite of the remarkable progress of many emerging economies, the past several decades have witnessed both economic convergence, as emerging economies catch up with the developed world, and economic divergence in the case of the bottom billion, who are falling further behind. Worldwide, the majority of the poor are found within the middle-income countries of the South that have been hit hard by the 2008 economic recession, which has increased their vulnerability to rising food prices, growing unemployment, inadequate access to health care and the social and environmental effects of climate change.[2]

5. In addition, concerns about transparency and accountability in the delivery of assistance have arisen in recent years as emerging economies have undertaken more significant roles in assisting other developing countries. At the same time, uneven development among countries of the South has highlighted the need for measures to correct ongoing asymmetric trade and investment patterns.

6. Despite such challenges, a global consensus has emerged in support of South-South and triangular cooperation, with renewed commitments on the part of States, non-State actors and regional and international organizations to harness emerging opportunities to meet the internationally agreed development goals, including the Millennium Development Goals. New partnerships, innovative funding and support mechanisms have been established to address a range of social and economic challenges at the global, regional and local levels. The United Nations and other multilateral organizations have also spurred more inclusive partnerships and

[1] See Organization for Economic Cooperation and Development, *Perspectives on Global Development, 2010: Shifting Wealth*, June 2010.

[2] See Ravi Kanbur and Andy Sumner, "Poor Countries or Poor People? Development Assistance and the New Geography of Global Poverty" (see http://kanbur.dyson.cornell.edu/papers/KanburSumnerPoorCountriesOrPoorPeople.pdf).

dialogue, with the increased participation of developing countries, and have now articulated principles to guide South-South cooperation.

7. The report has been prepared based on information contained in recent United Nations reports, in the reports of other multilateral and non-governmental organizations, a recent review of United Nations support to South-South cooperation carried out by the Joint Inspection Unit[3] and other research and studies in order to provide a broad overview of South-South issues and trends. The report presents illustrative rather than exhaustive examples of South-South interactions during the period under review.

II. The state of South-South and triangular cooperation

A. Enhanced economic resilience

8. Between 2009 and 2011, South-South relations were characterized by an increase in economic growth and in levels of trade and investment, along with growing levels of inequality and integration, and a rising demand for both South-South and triangular cooperation initiatives. South-South interactions are leading to deep changes in the fabric of international relations and have begun to yield a proven development impact, with countries of the South now constituting a powerful force in the global economy.

9. As of 2008, developing countries accounted for around 37 per cent of global trade and nearly three quarters of global growth, with South-South flows making up about half of that total.[1] Economists have predicted that by 2030 South-South cooperation will be one of the main engines of growth, accounting for 57 per cent of the world's gross domestic product (GDP). On average, growth rates among developing countries rose from an estimated 1.2 per cent in 2009 to 5.2 per cent in 2010. The GDP of developing countries is expected to increase further, to 5.8 per cent, in 2011.[1]

10. Economic ties between developing countries have strengthened as new centres of growth have emerged. Between 1990 and 2008, world trade expanded fourfold, while South-South trade multiplied by more than 20 times its initial levels over the same period of time. India is now a key trading partner for sub-Saharan Africa, serving as one of the top five sources of goods for at least one third of African countries, importing $20.7 billion worth of goods and commodities and exporting $10.3 billion to Africa in 2010. Brazil's yearly trade with Africa increased from $3.1 billion in 2000 to $26 billion in 2008.[1] China has made it a priority to establish close ties with other developing countries through increased trade, investment and manufacturing agreements, which led the Organization of Economic Cooperation and Development (OECD) to report, in 2010, that a 1 percentage point increase in China's growth rate is estimated to result in a 0.2 percentage increase in the growth rates of low-income countries.[1]

11. During the same time period, developing economies have increasingly attracted private investment and capital: net private capital flows increased from $110 billion in 2008 to about $386 billion in 2009, and such flows are estimated to

[3] See JIU/REP/2011/3 (http://www.unjiu.org).

have jumped to $659 billion in 2010. Official development assistance (ODA) levels among developing countries have also increased significantly, from $9.5 to 12.1 billion in 2006 to $12 to 13.9 billion in 2008.[4]

12. The period under review has been characterized by increasing efforts towards integration among the countries of the global South, specifically through increased economic and political ties, as witnessed by the creation and formalization of institutions and cooperation structures. From Africa to Asia and to Latin America, there is a renewed impetus among the countries of the South to engage in crisis management and the pooling of resources for development, as illustrated by: the activities of the Economic Community of West African States (ECOWAS) and the African Union in Côte d'Ivoire; the role played by the Gulf Cooperation Council in Yemen; and the creation of the Bank of the South (Banco del Sur), a multi-country monetary fund and lending organization founded by Argentina, Bolivia (Plurinational State of), Ecuador, Paraguay, Uruguay and Venezuela (Bolivarian Republic of) at the Second Africa-South America Summit in Caracas in 2009.

13. As a result of a number of factors, including the economic recession, the demonstrated resilience of developing countries and the increased recognition of the opportunities within the South, rising demand for South-South and triangular cooperation has also advanced cooperative efforts. In 2009, members of OECD experienced significant declines in total GDP and a 3.3 per cent drop in growth levels, while donations of earmarked funding for emergency assistance to the United Nations declined and net capital flows to developing countries dropped significantly, as did global remittance levels, lowering by 7.3 to 10.1 per cent.[3] Those factors combined to drive the debate on international cooperation for development beyond traditional foreign aid programmes towards complementary methods of delivering assistance, including South-South and triangular cooperation. As a result, the Group of Eight (G8), OECD, the European Union, United Nations entities and the World Bank have all undertaken concrete steps to join developing countries in South-South and triangular partnerships and to promote in-depth policy dialogue and collaboration for the more efficient and cost-effective allocation of assistance.[5]

14. Global factors such as climate change, food security, climbing energy prices and disease also pointed towards the need for increased South-South and triangular efforts. Current estimates show that by 2050 water resources will have diminished by 10 to 30 per cent in dry regions, posing a threat both to water and food supplies. This scenario, combined with diminishing viable farmland worldwide, has led to controversial land deals between developing countries as well as increased negotiations and interactions among the countries of the South in preparation for the upcoming United Nations Conference on Sustainable Development, which is to be held in Brazil in June 2012. Developing countries are seeking to provide assistance to countries in need in these areas, in particular through multilateral assistance,

[4] See European Union, Conference on development cooperation in times of crisis and on achieving the Millennium Development Goals, Madrid, 9-10 June 2010.

[5] For example, at the 2011 high-level conference in the European Parliament on how inclusive ownership and South-South cooperation could boost development aid provided by the European Union, the Minister for Foreign Affairs of Costa Rica acknowledged that South-South cooperation can be more efficient and effective in identifying and implementing solutions, increasing the cost-effectiveness, promoting the transfer of appropriate technologies and ensuring local ownership, leadership and capacity-building.

including through the Special Programme for Food Security and of the Food and Agriculture Organization of the United Nations (FAO).

15. Although the majority of countries of the global South continued to employ South-South cooperation in the framework of technical cooperation, the increasing formalization of interactions through country-to-continent strategies and the clarification of development assistance strategies of some of the larger emerging countries, including Brazil, China and India, were driven by the increasing demand for South-South exchanges during the period.[6] Distinctions between South-South development assistance and traditional ODA also became clearer over the course of the reporting period. One emerging notable distinction revealed that countries of the global South providing assistance tended to use a multi-pronged development strategy, incorporating trade, investment and aid, which was often used for infrastructure projects or for building productive capacities. Such assistance included concessional loans, grants, lines of credit and technical assistance, as well as support channelled through multilateral institutions. Distinctions between South-South and traditional assistance were also clarified in the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation,[7] in which the guiding principles of respect for national sovereignty, national ownership and independence, equality, non-conditionality, non-interference in domestic affairs and mutual benefit were recognized and reaffirmed.

B. Further deepening of regional integration

16. While areas of cooperation among developing countries have broadened, they have also deepened, particularly within regions. During the period under review, numerous regional cooperation organizations have worked to expand frameworks and fields for trade, investment and finance within the global South, which, in turn, has led to efforts to enhance the institutional strength of the organizations themselves. Apart from economic cooperation, there has been closer political cooperation, including strengthened collective security arrangements and information systems for knowledge and experience sharing. New actors have also appeared on the scene, as regional banks and the import and export banks of emerging economies have assumed a bigger role in financing South-South initiatives.

17. Efforts to expand economic space in Africa range from steps to create greater monetary integration, as seen in ECOWAS and the East African Community, to the establishment of free trade areas covering countries in the Common Market for Eastern and Southern Africa, the East African Community and the Southern African Development Community, which, together, represent a combined population of nearly 600 million people, a total GDP of approximately $1 trillion and 57 per cent of the total population of the States themselves of the African Union.

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[6] China's white paper on foreign aid, is available from http://news.xinhuanet.com/english2010/china/2011-04/21/c_13839683.htm; for a discussion of India's Africa strategy, see Naidu, Sanusha, "India's Growing Africa Strategy", *Review of African Political Economy*, vol. 35, No. 115; for more on Brazil's policy see http://www.economist.com/node/16592455 and the report of the Department for Economic and Social Affairs, *Development Cooperation for the Millennium Development Goals: Maximizing Results* (ST/ESA/326).

[7] Resolution 64/222, annex, paras. 11 and 18.

18. In Asia, arrangements have advanced to expand and ease free trade, as evidenced by the efforts of the Association of Southeast Asian Nations (ASEAN) and the Asia-Pacific Economic Cooperation organization to coordinate regulatory reform, connectivity, competitive policies, the development of small- and medium-sized enterprises, disaster management and food security in the region. Work is also progressing on furthering regional economic integration through the formalization of the ASEAN-China Free Trade Area in January 2010 and the establishment of an Asian economic community by 2015, an ASEAN Free Trade Area by 2020 and a free trade area among the seven members of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation.[8]

19. Regional groupings have also increased their political linkages, as illustrated by the establishment of a community court of justice by ECOWAS, including efforts to strengthen its security arm through its Allied Armed Forces. Another example is the effort of the members of the East African Community to achieve full political federation by 2015. In addition, over the period from 2009 to 2011, regional organizations have increasingly been intervening in domestic conflicts, either politically or militarily, in countries such as Bahrain, Côte d'Ivoire, Honduras, the Libyan Arab Jamahiriya, the Sudan, South Sudan and Yemen.[9]

20. The increasing demand for regional initiatives has encouraged regional cooperation organizations to strengthen their institutional arrangements. This has been a major priority in Africa in particular, where the New Partnership for Africa's Development, spearheaded by the African Union, has recently become a full-fledged agency working to accelerate capacity-building and sustainable development through key partnerships at the regional and multilateral levels. In 2011, the Partnership launched the Africa Platform for Development Effectiveness to mobilize policymakers, practitioners and a wide range of stakeholders, with the aim of achieving sustainable development, using peer learning and sharing of knowledge and experience through existing networks and communities of practice, and promoting capacity development, aid effectiveness and South-South Cooperation in the region.[10] In a similar vein, Sri Lanka, India, Indonesia and the Disaster Management Centre of the South Asian Association for Regional Cooperation (SAARC) have provided technical assistance in order to adapt internationally accepted methodologies to the Sri Lankan context, based on the experiences of other Asian countries, through the use of "DesInventar", a disaster information management system. The system is being used to maintain historical records of disaster occurrences in Sri Lanka over the past 30 years.

21. Interregional mechanisms have also been strengthened during the period under review, including among the countries of the Latin America and Caribbean region. The Organization of Ibero-American States, which consists of 24 Spanish- and Portuguese-speaking countries in Latin America, the Caribbean and Europe, has stepped up efforts to promote South-South and triangular cooperation between its member States through its Ibero-American Programme to Strengthen South-South

[8] See http://www.bimstec.org/about_bimstec.html.

[9] See Bahrain intervention (http://www.alarabiya.net/articles/2011/03/14/141445.html); Yemen intervention (http://www.voanews.com/english/news/middle-east/Protests-in-Yemen-Amid-Regional-Efforts-to-Mediate-119565559.html); Côte d'Ivoire intervention (http://news.xinhuanet.com/english2010/world/2010-12/25/c_13663784.htm); and Libyan Arab Jamahiriya intervention (http://allafrica.com/view/group/main/main/id/00012794.html).

[10] http://www.africa-platform.org.

Cooperation, which became operational in January 2010. The focus of the programme is the development and enhancement of information systems in order to identify good practices and generate data and statistical records to generate greater information about and accountability in the area of South-South and triangular cooperation in the region.

22. Increased involvement of the regional development banks has also been a part of South-South cooperation over the past two years, in particular in their support for regional capacity-building efforts and for the strengthening of public-private partnerships at the interregional and regional levels. The Asian Development Bank, the European Bank for Reconstruction and Development and the Islamic Development Bank have all promoted wide-ranging partnerships and projects in areas such as information and communications technology, health rehabilitation and educational and professional institutions in a number of regions, including sub-Saharan Africa and Central Asia. Both the Asian Development Bank and the African Development Bank were instrumental in promoting trade in their respective continents, through the provision of $2.8 billion in direct financing for firms by the Asian Development Bank, and through support to commercial banks and financial institutions on the scale of $1 billion by the African Development Bank. In addition, the African Development Bank has financed a number of infrastructure programmes throughout the continent during this period.

23. Apart from the regional development banks, banks in emerging economies are also playing a greater role in South-South development, both regionally and interregionally, as in the case of Brazil, China and India. The Export-Import Bank of China has financed the construction of three of the biggest hydroelectric dams in Ecuador. In 2011, India extended a $5 billion credit line to countries in Africa while also writing off debt estimated at $24 million as part of the Heavily Indebted Poor Countries Initiative (HIPC).[11] Brazil, through its National Economic and Social Development Bank (BNDES), has also funded numerous infrastructure projects in the country, particularly in the areas of fossil fuel extraction, transportation infrastructure and hydroelectric dams. In addition, in 2009, as noted above, seven Latin American countries signed the historic charter of the Bank of the South, with initial contributions of $4 billion from Argentina, Brazil and Venezuela (Bolivarian Republic of).

24. Overall, South-South and triangular cooperation has been characterized by a widening of focus and a deepening of interactions, particularly with the increased institutionalization of regional cooperation efforts, all of which serve to create the conditions for more robust and meaningful bilateral, regional and global cooperation.

C. More robust interactions among developing countries

25. During the reporting period, in addition to the increase in trade and investment noted above, there was also intensified bilateral cooperation among developing

[11] See Office of the Special Adviser on Africa, *Africa's Cooperation with New and Emerging Development Partners: Options for Africa's Development*, New York, 2010 (see http://www.un.org/africa/osaa/reports/emerging_economies_2009.pdf).

countries in terms of financing for development, knowledge and experience sharing, networking, institution building and the formalization of cooperative arrangements.

26. In regard to financing for development, the speed at which South-South development assistance has been rising in recent years is significant. Equally notable is the growing role of philanthropic organizations in the South, including foundations, trust funds and civil society organizations funded by endowments, as well as by wealthy individuals and corporations. In 2010, the Department of Economic and Social Affairs of the Secretariat reported that development assistance in the global South, in the form of concessional loans and grants had risen rapidly in recent years, from $8.6 billion in 2006 to $15.3 billion in 2008. The report noted that the largest providers of development assistance were China, Saudi Arabia and Venezuela (Bolivarian Republic of), followed by Arab agencies and India, with the top three providers accounting for 75 per cent of all such development cooperation in 2008.[12]

27. In providing financial assistance, it was found that such assistance initiatives tend to target regional or subregional neighbours in order to strengthen political ties, trade and investment and that they are generally more convenient in terms of management, given the geographical proximity.[13] One example of this trend is the Mexico-Chile Joint Cooperation Fund to Finance South-South Cooperation. It should be noted that interregional funding arrangements are also on the rise. Both China and India, for example, have developed cooperation programmes focused on providing aid to Africa, China through the Forum on China-Africa Cooperation and India through its Indian Technical and Economic Cooperation Programme and the Special Commonwealth Assistance for Africa Programme.[14] In addition, the Bank of the South, set up in November 2009, is working to promote South-South development financing, a goal set by the South Centre in 2000.

28. Knowledge and experience sharing continue to be a major priority in South-South technical cooperation exchanges. China and India, for example, have stepped up bilateral links with countries in sub-Saharan Africa for this purpose. The South-South Cooperation Network was established by China to facilitate the sharing of information, joint research, technical exchanges and public-private partnerships in the area of applied technologies in the development of microhydropower, biogas and solar energy with other developing countries. India's Pan-Africa e-network project facilitates the transfer of medical information through teleconferences and teleconsultations between India and the countries members of the African Union. Developing countries, including Brazil, Chile, China, Egypt, El Salvador, India,

[12] For a more extended discussion of recent trends in South-South development assistance see: Department of Economic and Social Affairs, *Development Cooperation for the Millennium Development Goals: Maximizing Results*, 2010 (ST/ESA/326); and Park, Kang-Ho, "New Development Partners and a Global Development Partnership" in *Catalyzing Development: A New Vision for Aid*, Homi Kharas, Koji Makino and Woojin Jun eds., Brookings Institution Press, 2011, Washington, D.C.

[13] See ST/ESA/326.

[14] The Forum on China-Africa Cooperation has formed a China-Africa Development Fund to support Chinese firms investing in Africa and provided preferential loans amounting to $3 billion and trade credits of $2 billion from 2007 to 2009. In 2010, China funded infrastructure projects in exchange for access to natural resources and its bilateral trade with Africa amounted to $126.9 billion. India has assisted 156 developing countries, providing over $2 billion in technical assistance since its inception in 1964.

Indonesia, Malaysia Singapore, Thailand, Tunisia and Turkey, have also been involved in providing training opportunities for citizens of other members of the global South in a variety of sectors. India has been active in sharing its expertise in software technology by providing annual training sessions for about 5,000 professionals from other developing countries in areas such as: information and communications technology, telecommunications, small and medium-sized enterprises, rural development and renewable energy. Qatar, which has taken a leading role in promoting South-South cooperation in the oil and gas sectors, has brought together representatives of 42 countries from Africa, Asia, the Middle East and Latin America, as well as from international organizations, to share and exchange experiences in the field of effective hydrocarbon management.

29. Institution-building has become another focus of South-South initiatives. Brazil, India and Turkey have all made notable contributions to institution-building among the countries of the South. The Brazilian Cooperation Agency has been coordinating international development activities with a number of national institutions, including the Brazilian Agricultural Research Corporation, in order to implement structural impact projects in the areas of agriculture and food security. Brazil has also supported the "cotton-4-project" in Mali, which aims to increase the production and raise the quality of the cotton produced in that country, while in Senegal, it is supporting the Senegalese Agricultural Research Institute in its efforts to increase the quality and the competitiveness of rice production using the technical expertise of the Research Corporation. Through the India-Africa Forum Summit, India has supported the establishment of: the India-Africa Institute of Foreign Trade in Uganda; the India-Africa Institute of Information Technology in Ghana; the India-Africa Diamond Institute in Botswana; and the India-Africa Institute of Education, Planning and Administration in Burundi. The Turkish International Development and Cooperation Agency has increased the number of its programme coordination offices to 26 in 23 developing countries across Central Asia, the Caucasus, the Balkans, the Middle East and, recently, in sub-Saharan Africa, aiming to advance institutional development, capacity-building, the development of human resources, education, health systems, cultural programmes, agriculture-driven economies, preservation of the environment and dissemination of information.

30. Within the past five years, the trend of increasingly formalized agreements among developing countries has been gaining ground. This is evident in the number of regional integration schemes and country-to-continent and continent-to-continent forums that China, Egypt, India, South Africa, Turkey and Venezuela (Bolivarian Republic of) have engaged in with African countries. At the second Africa-South America Summit, held in the Bolivarian Republic of Venezuela in 2009, delegations from both continents established a basis for economic cooperation and issued an agreement that included commitments to the strengthening of South-South cooperation in the trade, security, energy and mining sectors.

31. Since countries of the global South are now in an improved position to share their expertise in specific development sectors with other developing countries through professional, highly regularized institutional mechanisms, the remaining challenge is to strengthen genuine partnerships and reduce bargaining power asymmetries that tend to lower benefits for the weaker parties in South-South relations.

D. Stronger triangular partnerships

32. The period from 2009 to 2011 has seen the establishment of stronger institutional mechanisms for promoting partnerships, knowledge and technology sharing and peer-learning throughout the South. Increasingly, South-South and triangular modalities have been adopted by a variety of stakeholders to ensure inclusivity and effectiveness in the delivery of assistance and to complement North-South cooperation.

33. In recognition of the increased relevance of South-South development, developed countries have marshalled greater support for South-South and triangular cooperation. In 2010, for example, the Group of Twenty (G20) issued its multi-year action plan on development, highlighting South-South and triangular cooperation as important and innovative tools for information sharing and domestic resource mobilization for sustainable development.[15] In June 2011 the G20 issued an action plan on food price volatility and agriculture, in which it recognized the decision of the African Union to set up a development agency under the auspices of the New Partnership for Africa's Development to improve access for African farmers to farming inputs and to promote equitable, mutually beneficial agricultural trade agreements, as well as to improve the farming capacities of African countries.[16] The OECD Development Assistance Committee has also taken keen interest in South-South and triangular cooperation, as seen in the work of its task team on South-South cooperation and its organization, in March 2010, of the High-level Event on South-South Cooperation and Capacity Development in Bogotá, held in preparation for the Fourth High-level Forum on Aid Effectiveness, which will take place in Busan, Republic of Korea, in late 2011.

34. With increasing interest in and demand for triangular partnerships originating from both developing and developed countries, traditional donor agencies are increasingly adopting the triangular cooperation modality to increase the impact of development projects through innovative joint-funding programmes. A study conducted with the support of the Japan International Cooperation Agency and the Special Unit for South-South Cooperation of the United Nations Development Programme (UNDP), which covers the views of donors and of pivotal and recipient countries, reveals the benefits and incentives driving the adoption of triangular methodologies by international development agencies and multilateral organizations of the global North.

35. In general, the study revealed a greater degree of accountability and transparency within triangular interactions. Pivotal countries prized the support of donors and international organizations in fields such as technical capacity development, strengthening of policy and institutional frameworks and the acquisition of know-how in the arena of international cooperation, which enhances their credibility and reputation. In addition, beneficiary countries noted the advantage of having an intermediary to facilitate information sharing and partnering with pivotal countries; the increased credibility of the cooperation extended by pivotal countries; and the scaling-up of such cooperation, including the provision of

[15] Seoul Summit Declaration (see http://www.g20.org/Documents2010/11/seoulsummit_annexes.pdf).

[16] See http://www.nepad.org/ceo039s-office/news/2337/aunepad-declaration-about-g20-action-plan-food-price-volatility-and-agricul.

facilities and equipment by donors. Donors and international organizations noted the advantages of using the experience and know-how of the developing countries themselves as well as the increase in assistance to pivotal countries within triangular arrangements. The study also highlighted the challenges of higher transaction costs and tensions over policy coordination, while noting that most parties surveyed felt that the benefits accrued from triangular cooperation outweighed the drawbacks.[17]

36. The areas receiving the most support through triangular cooperation activities include: capacity development for the effective management of South-South cooperation; knowledge and information sharing; and the implementation of South-South programmes.

37. In terms of capacity development, efforts have focused on providing support to development cooperation agencies of the South in the establishment of good practices. In the 2010 report of the Ibero-American General Secretariat on South-South cooperation, analysis of data from 2009 triangular cooperation projects in Latin America revealed that roughly half of all cooperation projects were focused on economic (30 per cent) and social activities (22 per cent) and the other half were concentrated in the area of institutional capacity-building for public institutions and civil society, and on the environment.[18] Government capacity-building is the basis of a UNDP project in Afghanistan sponsored by the United States of America, which seeks to promote democratic policing policies. The project, which is ongoing, has involved a training session for Afghan police officers through interactions with their counterparts in Nepal, focusing on community policing activities, dealing, in particular, with the prevention of and response to gender-based violence. Traditional donors, such as the Japan International Cooperation Agency, have focused on issues such as capacity development in food security and social protection, collaborating with the Coalition for African Rice Development and providing support for the ASEAN/ILO-Japan industrial relations project and for the establishment of a regional centre promoting the empowerment of persons with disabilities through the use of South-South sharing to exchange best practices.

38. The German Agency for International Cooperation has been particularly involved in information sharing for development. It has supported the project on the sharing of lessons learned in environmental management and solid waste practices by the Government of Mexico, which has been used to train environmental workers in the Dominican Republic, Ecuador, El Salvador and Guatemala, and has led to the creation of a Latin American solid waste portal, the GIRESOL Network, to facilitate the sharing of information and resources about integrated waste management in the region.[18] The Spanish Agency for International Development Cooperation has also prioritized knowledge sharing in its efforts in the field of triangular cooperation as shown by its funding and facilitation of intergovernmental dialogue and cooperation among donors, including the meeting on "European Union triangular cooperation in the context of aid effectiveness", held in Madrid in March 2010.

[17] See United Nations Development Programme Special Unit for South-South Cooperation, "Enhancing South-South and Triangular Cooperation: Study of the Current Situation and Existing Good Practices in Policy, Institutions and Operations of South-South and Triangular Cooperation", 2009 (see http://ssc.undp.org).

[18] See Ibero-American General Secretariat, *Report on South-South Cooperation in Ibero-America, 2010*, November 2010 (see www.segib.org).

39. Project implementation remains a primary focus for donor countries, whether through the creation of joint cooperation funds for triangular cooperation, such as those created by Spain, with Chile and Argentina, and Germany has initiated with Chile, or through the execution of technical assistance projects, such as those supported by partners such as the German Agency for International Cooperation and the Japan International Cooperation Agency. As a leader in this field, in 2010, the Japan International Cooperation Agency through its 15 offices, both in Japan and abroad, assisted an estimated 12,000 participants worldwide through some 1,300 programmes, ranging from disaster prevention support and training to health-care training to trade and investment facilitation.[19]

E. Enhanced support from the United Nations system

40. During the period under review, Member States have consistently shown their firm commitment to South-South initiatives and provided clear direction to the United Nations development system for the effective catalysation and support for South-South cooperation. In keeping with the trends of the previous biennium, and in response to directives from Member States, the United Nations development system has scaled up its efforts to enhance and strengthen South-South cooperation by: further mainstreaming South-South cooperation in the Organization's policy frameworks; creating strategic partnerships for such cooperation; making South-South cooperation a priority focus in long and medium-term planning instruments; undertaking more coherent and coordinated approaches, including joint programming; establishing or formalizing centres of excellence, led by countries of the global South, for better knowledge sharing and solutions exchange; and undertaking innovative resource mobilization efforts for South-South cooperation.

41. Over the same time period, Member States have affirmed their commitment to South-South cooperation and provided increased direction to multilateral processes through major intergovernmental bodies. Significantly, the Group of 77 (G77) and China continued to provide political guidance for South-South cooperation by leading the debate on this subject at almost every major United Nations conference, as well as within the General Assembly and the Economic and Social Council, by stressing the importance of the support needed from the United Nations system for such cooperation in its Development Platform for the South, launched in 2008, and by underscoring the broad principles of South-South cooperation in its 2009 and 2010 ministerial declarations. In 2010, the G77 and China also demonstrated strong leadership in supporting the development and approval of the multi-year Plan of Action for South-South Cooperation on Biodiversity for Development. In addition, the conclusion of the third round of negotiations on the Agreement on the Global System of Trade Preferences among Developing Countries in December 2010 in São Paulo, Brazil, under the auspices of the United Nations Conference on Trade and Development (UNCTAD), is another illustration of the firm commitment of the G77 and China to promote trade among its membership. The commitment of the States Members of the United Nations to South-South approaches to development was clearly expressed, once again, when they gathered in Nairobi in December 2009 at the High-level United Nations Conference on South-South Cooperation. The "Nairobi outcome document" of the Conference, which was subsequently endorsed

[19] See http://www.jica.go.jp/english/news/field/2011/20110426_01.html.

on 21 December 2009 by the General Assembly in its resolution 64/222, provides a clear set of principles and broad objectives for South-South cooperation, as well as priority issues and areas requiring the support of the international community, especially from the entities of the United Nations development system.

42. In terms of mainstreaming South-South cooperation through policy frameworks and planning instruments, the 2008 decision of the Policy Committee of the Secretary-General called upon the entities of the United Nations development system to adopt concrete measures to enhance their support for South-South cooperation and urged senior officials to emphasize the strong commitment of the United Nation to South-South cooperation at intergovernmental forums as a critical tool for achieving the Millennium Development Goals and other internationally agreed development goals. At its 2008 substantive session, the Economic and Social Council convened a meeting with the Executive Secretaries of the United Nations regional commissions, stressing their importance as an essential "pillar for South-South cooperation". In addition, the Nairobi outcome document called on the United Nations funds, programmes and specialized agencies to take concrete measures to mainstream support for South-South and triangular cooperation and encourage closer links between regional commissions, centres of excellence and regional and subregional economic groupings.[20]

43. As a result of the adoption of the above policy frameworks and directives, more members of the United Nations system have developed planning instruments incorporating South-South cooperation. This growing phenomenon is reflected in the inclusion of South-South and triangular cooperation in 15 annual reports and 17 medium-term plans recently prepared by entities of the United Nations system.[3] In its strategic plan 2008-2012, UNDP highlights South-South cooperation as one of its principle approaches for development effectiveness in the implementation of its country and regional programmes. In addition, a recent report of the Joint Inspection Unit[3] noted that most organizations of the common system had programmes or projects identified as supporting South-South cooperation at the headquarters, regional and/or country levels, including FAO, the International Labour Organization (ILO), the International Trade Centre (ITC), UNCTAD, UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Human Settlements Programme (UN-Habitat), the United Nations Children's Fund (UNICEF), the United Nations Industrial Development Organization (UNIDO), the United Nations Office on Drugs and Crime, the World Food Programme (WFP) and the Pan-American Health Organization (PAHO) of the World Health Organization (WHO). In other organizations, South-South cooperation forms part of regular technical cooperation programmes, as seen at the International Atomic Energy Agency (IAEA), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the United Nations Environment Programme (UNEP), the World Intellectual Property Organization (WIPO) and the World Meteorological Organization (WMO).[18]

44. Apart from individual agencies, funds and programmes developing their own policies and procedures on South-South cooperation, the United Nations system overall is working to strengthen integrated approaches to development in order to incorporate South-South approaches. This is evident in the inclusion of South-South

[20] Resolution 64/222, annex, paras. 21 (a) and (f).

cooperation in the United Nations guidelines for United Nations country teams on preparing common country assessments and the United Nations Development Assistance Framework (UNDAF) process, which is aimed at incorporating South-South cooperation into regional and country-level programmes. Although only explicitly referred to in the current Assistance Frameworks of 17 countries, inter-agency efforts, spearheaded by the UNDP Special Unit for South-South Cooperation, on operational guidelines for the support of the United Nations system to South-South cooperation are under way, as mandated by the High-level Committee on South-South Cooperation.

45. During the period under review, the agencies, funds, programmes and other entities of the United Nations system have established an increased number of strategic partnerships with major providers of South-South development cooperation and have formalized South-led centres of excellence and networks to facilitate South-South sharing of knowledge and development solutions. UNDP has formed strategic partnerships and similar arrangements with Brazil, China and Turkey. ILO has championed the promotion of decent work and, with the support of the Government of Brazil, is engaged in efforts to share information and best practices related to child labour, youth employment, education and health and vocational training in Portuguese-speaking countries in Africa, in the countries members of the Common Market of the South (MERCOSUR) and within the Ibsa Brazil-South Africa dialogue forum.[21]

46. With regard to supporting South-led centres of excellence, UNEP has piloted a South-South cooperation exchange mechanism to enable systematic documentation and sharing of successful case studies on South-South projects and initiatives in the field of the environment and sustainable development. Similar efforts have been made by: UNESCO, which has set up the International Centre for South-South Cooperation in Science, Technology and Innovation, in Kuala Lumpur; UNCTAD, which operates the Network of Centres of Excellence, supporting technology and knowledge transfer to Africa through the training of scientists and technology experts; and UNIDO, which has established the South-South Cooperation Center in Beijing.[22] The UNESCO International Centre for South-South Cooperation in Science, Technology and Innovation is currently creating a clearinghouse of best practices, in coordination with the Academy of Sciences for the Developing World.[23] During the period under review, the Web of Information for Development (WIDE), a web service platform operated by the UNDP Special Unit for South-South Cooperation, has enabled an additional 30 entities within and outside the United Nations system to create and manage their rosters of experts. As of 2011, 69 rosters are actively listed on the site.

47. During the period from 2009 to 2011 inter-agency coordination and collaboration in this field has improved considerably, as evidenced by the increased regularity of inter-agency exchanges of focal points by the Special Unit for South-South Cooperation, as called for by Member States. Two such inter-agency

[21] See http://www.ibsa-trilateral.org.

[22] See http://www.unido.org/index.php?id=4915, and "An overlook of South-South cooperation and triangular cooperation" (draft), March 2011.

[23] In addition to focusing on capacity-building and the exchange of best practices, the centre conducts research and tackles specific problems in science, technology and innovation policymaking in developing countries (see http://www.unesco.org/new/en/natural-sciences/science-technology/sti-policy/centre-for-south-south-cooperation/).

exchanges were convened to review the actions of the United Nations system to carry out the aims set out by Member States in the Nairobi outcome document and to share current practices in South-South cooperation. In addition, the Special Unit for South-South Cooperation, through its three-in-one multilateral South-South support architecture, made up of the Global South-South Development Academy, the Global South-South Development Expo and the South-South Global Assets and Technology Exchange System, has enabled a larger number of United Nations organizations, funds and programmes, including the regional commissions, to document, disseminate and scale-up their South-South initiatives. The Global South-South Development Academy, for example, has piloted a citizenry-based South-South development academy in the Asia-Pacific region during this period. The annual Global South-South Development Expo (hosted in 2009 by the World Bank and in 2010 by ILO) has brought together more than 20 United Nations organizations and agencies, as well as more than 100 other partner entities to showcase and exchange successful development solutions, while also providing a setting for the chiefs of development cooperation entities of the United Nations system to come together and discuss issues of South-South and triangular cooperation. The South-South Global Assets and Technology Exchange System has been established as a transaction platform, which includes a listing of 1,710 projects, 283 matches and 79 business transactions in the area of small and medium-sized enterprises. Transactions in the field of the environment and energy exchanges have also been listed on the system, and listings in the area of global health will be posted in the current period.

48. In addition to an emphasis on knowledge-sharing, the United Nations system has also stressed the need for innovative funding mechanisms to manage South-South and triangular partnerships. Examples include the newly established $30 million FAO trust fund for South-South cooperation supported by China to assist selected African countries; the India-Brazil-South Africa Facility for Poverty and Hunger Alleviation; and the UNESCO South-South Cooperation Fund to support its South-South cooperation programme for education, which is focused on meeting the goal of "education for all" and other Millennium Development Goals through exchanges of experience, knowledge and good practices on a South-South and triangular basis. Another example is the five-year strategic triangular cooperation arrangement between the Republic of Korea and the Special Unit for South-South Cooperation, which was established to facilitate South-South and triangular knowledge-sharing in education, science and technology, renewable energy and resource management, capacity-building and sustainable human development to meet the Millennium Development Goals in the Asia-Pacific region.

III. Remaining challenges, opportunities and recommendations

A. Challenges and opportunities

49. Tremendous progress has taken place among developing countries in the three decades since the adoption of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries. During that time a strong global consensus has emerged in support of South-South and triangular cooperation, including the strategic support of both developing and developed countries, and in particular from the leadership of the Group of 77 and

China and the G20. However, despite strong acceleration of economic growth across many parts of the globe that has been spurred by South-South interactions, inequality is on the rise both between and within the countries of the global South.

50. The industrialization and productive capacity imbalances across the global South are affecting national efforts to meet the Millennium Development Goals by 2015. Current data show that quite a number of countries are not on target to meet the Goals, while many that have made significant strides remain mired in poverty. The least developed countries, the landlocked developing countries and small island developing States continue to lag behind, with only three countries having graduated from least developed country status since 1970. This fact underscores the need for greater productive capacity development strategies for the least developed countries as called for at the Fourth United Nations Conference on the Least Developed Countries, held in Istanbul in May 2011.[24] Also noteworthy in this context are the recommendations of the 2010 report of the Office of the Special Adviser on Africa on "Africa's Cooperation with New and Emerging Development Partners: Options for Africa's Development", which urged African countries to develop collective strategies to bolster their voice in interactions with emerging economies to ensure a beneficial outcome for all parties.[11]

51. Within countries of the South, domestic inequality levels present significant challenges to development, particularly among the emerging economies. Recent research shows that 72 per cent of the world's poor, or 960 million people, live in middle-income countries, while only one quarter, roughly 370 million, live in low-income countries.[2] Demands for greater civil liberties as well as the equal distribution of the benefits of economic growth are fuelling the rise in civilian protests, as seen in the "Arab spring", the wave of protests that spread rapidly from Tunisia in late 2010 and into 2011.

52. South-South exchanges continue to increase, heralding a significant transformation in international relations. The ascendancy of the powers of the South, both regionally and globally, has important implications for international negotiations and multilateral priority-setting and has led to an attendant increase in the range of South-South interventions from technical exchanges to deepening economic integration and, increasingly, towards political integration and conflict resolution. This global shift should lead to a real development dividend, underpinned by plans and actions whereby flows of aid, trade and investment from the North are complemented by similar development efforts led by the South to effectively reduce poverty.

53. South-South cooperation has an established track record as a valuable complement to traditional development strategies and to the management of transnational opportunities and challenges. South-South and triangular modalities have been widely adopted by a variety of stakeholders in many sectors, and the efficiency of this type of development cooperation in particular its inclusivity and effectiveness, has been recognized. Since it generally focuses on large scale interventions for improving production capabilities, South-South cooperation offers the comparative advantage of working in concert with traditional forms of development aid, which, in recent years, have tended to focus more on humanitarian and social interventions. This complementarity presents a unique opportunity for

[24] See A/66/134.

dialogue on the emerging development architecture in terms of how best to leverage the advantages of both traditional and South-South forms of assistance, drawing on what has proven to work sustainably in the provision of development assistance by traditional donors and partners of the global South.

54. Multilateral support to South-South and triangular cooperation has grown in reaction to increased demand, although challenges of coordination among various actors and financing remain. The trend among the organizations of the United Nations system towards longer term initiatives that strategically incorporate South-South approaches is a welcome change from ad hoc projects, but the multiplicity of plans, projects and programmes across the system could benefit from the use of stronger coordination entities and mechanisms to further ensure cost-effectiveness and prevent duplication. In addition, the increased use of joint programming, inter-agency coordination and multilateral funding mechanisms, could allow for a greater pooling of resources to help scale up successful initiatives and mobilize the collective human, financial and other resources of the South towards the acceleration of efforts to meet the internationally agreed development goals, including the Millennium Development Goals. However, until the financial needs are met, both in terms of increased funding and allocations targeting multi-country projects and programmes, multilateral support will not be sufficient to achieve the above objectives.

B. Recommendations

55. In order to sustain the current momentum and scale up the impact and contributions of South-South and triangular cooperation for more inclusive, equitable and sustainable human development, the international development community must continue to find ways to turn the challenges faced in the global South into opportunities, with a view to achieving the Millennium Development Goal targets by 2015 and other internationally agreed development goals beyond 2015.

56. As the multilateral system seeks to further intensify its support for South-South and triangular cooperation, the leadership of Member States in development cooperation, including South-South and triangular cooperation, remains vital. Regardless of the development level or size of an economy, every developing country has something to offer under the broad principles and objectives set forth in the Nairobi outcome document. Together, the global South possesses a wealth of information and data, effective knowledge-sharing systems, proven development policy options, tested institutional capacity-building solutions and affordable and appropriate technologies in areas such as food security, climate change and HIV/AIDS research. This knowledge can be more broadly shared, replicated and scaled up across the South.

57. To better serve the development needs and priorities of the Member States, the multilateral system needs further clarification of operational definitions and meaningful performance indicators that will enable it to measure both the scale and the impact of South-South and triangular cooperation at the bilateral, regional, interregional and global levels. In addition, in the Nairobi outcome document, all United Nations organizations, agencies, funds, programmes and regional commissions were encouraged to assist developing countries in enhancing or

establishing centres of excellence in their respective area of competence and to leverage the services of the UNDP Special Unit for South-South Cooperation, including through its multilateral South-South support architecture, consisting of the Global South-South Development Academy, the Global South-South Development Expo and the South-South Global Assets and Technology Exchange System. The United Nations development system holds a comparative advantage in efforts to help developing countries to more systematically gather, consolidate and analyse information on national, regional and interregional South-South initiatives, and the United Nations system is committed to improving its work in this area.

58. The United Nations system must also continue to improve the overarching coherence and coordination of its support for South-South and triangular cooperation. This should be accomplished through the use of innovative joint programmes, multi-country initiatives, stronger multilateral funding and coordination mechanisms and entities. The various members of the United Nations system can no longer act independently in their own South-South and triangular support activities, but must cooperate, enhance coordination and complement each others' efforts.

59. Financial support for South-South cooperation remains a vital need for the United Nations system, in order for it to expand both the dissemination of good practices and successful development solutions and to scale up successful programmes to increase overall effectiveness for more inclusive and sustainable development. While South-South cooperation carried out at bilateral and regional levels will remain the main forums and channels for mutual assistance and learning, persistent global challenges, including food and energy insecurity, climate change and HIV/AIDS, call for increased multilateral approaches, including through the United Nations system. In this regard, it should be recalled that the General Assembly, in its resolution 60/212, designated the United Nations Fund for South-South Cooperation as the main multilateral funding mechanism for Member States to pool voluntary contributions in support of such initiatives.

60. Apart from the traditional actors in South-South and triangular cooperation, Member States and the multilateral system, the private sectors and civil societies of the global South are also critical to sustainable and inclusive development strategies. It is necessary, therefore, that both Member States and the multilateral system give both the private and the civil sectors of society a role in development that complements public policies, thus ensuring that the strengths of every sector of society can be harnessed for more comprehensive development successes across the South.

61. In order for the private sector to effectively and sustainably invest, create jobs and reduce poverty, it is of critical importance that Governments step up South-South cooperation, focusing on the creation of enabling environments, both national and cross-border, through the provision of various public goods, including functioning physical regulatory and legal infrastructures. Greater involvement by civil society organizations would also enrich South-South interactions owing to their shared interest in social and environmental needs and their common concern for gender parity and civil liberties.